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JOURNAL

OF THE

SENATE OF TENNESSEE,

AT THE

CALLED SESSION OF THE

TWENTY-FOURTH GENERAL ASSEMBLY,

HELD AT NASHVILLE.

JAMES WILLIAMS, E. G. EASTMAN, DONALD CAMERON, AND A. M ROSEBOROUGH,

PRINTERS TO THE STATE.

KNOXVILLE:

PRINTED BY E. G. EASTMAN,

AT THE OFFICE OF THE ARGUS.

1842.

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JOURNAL.

At a meeting of the General Assembly of the State of Tennessee, began and held at the city of Nashville, on Monday, being the third day of October, in the year of our Lord one thousand eight hundred and forty-two, in pursuance of a Proclamation of His Excellency James C. Jones, bearing date the —— day of September, A. D. 1842, being the second session of the twenty-fourth General Assembly of said State.

On which day, being that fixed on by the Proclamation of the Governor, for the meeting of the General Assembly, Samuel Turney of White, Overton, Fentress, and Jackson, the Speaker; Jacob A. Lane the Clerk; Alexander M. Caldwell First Assistant Clerk; and Ezra Keyser the Second Assistant Clerk, and the following members of the Senate appeared and took their seats, to wit:

From the District composed of the counties of

Carter, Sullivan, and Washington—Robert W. Powel.
Cocke, Jefferson, Blount, and Sevier—Lewis Rencau.
Greene and Hawkins—Andrew Johnson.
Grainger, Claiborne, Campbell, Anderson, & Morgan—Wm. Williams.
Knox and Roane—John R. Nelson.
Monroe, McMinn, Bradley, and Polk—John Miller.
Rhea, Bledsoe, Marion, Hamilton, and Meigs—Richard Waterhouse.
Warren and Franklin—Samuel H. Laughlin.
Smith and Sumner—Joseph H. Peyton.
Bedford—Richard Warner.
Rutherford—William Ledbetter.
Williamson—Robert C. Foster, Jr.
Lawrence, Wayne, and Hickman—Thomas J. Matthews.
Dickson, Stewart, Humphreys, and Benton—J. P. Hardwicke.
Robertson and Montgomery—Henry Frey.
Henderson, Perry, McNairy, and Hardin—Hezekiah Bradberry.
Carroll, Gibson, and Dyer—Valentine Sevier.
Madison, Haywood, and Tipton—John B. Ashe.
Hardeman, Fayette, and Shelby—Sackfield Maclin.

A quorum of the Senate being present, Mr. Speaker Turney presented a certificate of the election of Thomas J. Munford, a Senator elect from the county of Wilson, to fill the vacancy occasioned by the resignation of the Hon. Benj. Motley, late Senator from said county.

On motion of Mr. Laughlin,

Ordered, That the Clerk announce to the House of Representatives

that a quorum of the Senate have convened, pursuant to a Proclamation of His Excellency the Governor, bearing date the —— day of September, 1842, and are ready to proceed to the despatch of business.

Thomas J. Munford, a Senator elect from the county of Wilson, (to fill the vacancy occasioned by the resignation of Benj T. Motley,) appeared and produced his credentials, and took an oath to support the Constitution of the United States, the State of Tennessee, and the oath of a Senator, administered in due form of law by the Hon. Thomas Maney, one of the Judges of the Circuit Courts of law in said State.

On motion of Mr. Hardwicke,

The Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY MORNING, October 4th, 1842.

Mr. Martin, a Senator from the county of Maury, appeared and took his seat.

Mr. Jennings, a Senator from Davidson county, appeared and took his seat.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker:—I am directed to inform the Senate that a quorum of the House of Representatives have convened, in pursuance of the Proclamation of His Excellency the Governor of the State, and are now ready to proceed to the despatch of business. They have elected Franklin Buchanan, Representative from Lawrence, Speaker of the House of Representatives, to fill the vacancy occasioned by the resignation of Burchett Douglass, Representative from Fayette county, late Speaker of the House.

The House have adopted a resolution for the appointment of a Joint Select Committee, to wait on His Excellency the Governor of the State, and inform him that a quorum of each House of the General Assembly have convened, in obedience to his Proclamation, and are now ready to receive any communication he may be pleased to make to them. And Messrs. Dew, Alexander, Bostick, and Greene, are appointed to be of said Committee on part of this House. In which they ask the concurrence of the Senate.

And then he withdrew.

On motion of Mr. Foster,

The Senate took up and considered a message from the House of Representatives, transmitting a resolution for the appointment of a Joint Select Committee to wait on His Excellency the Governor of the State, and inform him that a quorum of each House of the General Assembly have convened, in obedience to his Proclamation, and are ready to receive any communication he may be pleased to make.

Which being read, the Senate concur therein.

And Messrs. Williams and Maclin are appointed of said committee on part of the Senate.

Ordered, That the Clerk announce to the House of Representatives the concurrence of the Senate in said resolution, and the appointment of said Select Committee on part of the Senate.

Mr. Williams, from the Joint Select Committee raised to wait upon His Excellency the Governor of the State of Tennessee, and inform him that a quorum of both Houses of the General Assembly had convened, in obedience to his Proclamation, and were ready to receive any communication which he might be pleased to make—

Reports that said Joint Select Committee had performed the service assigned them, and that his Excellency would instantly make a communication in writing to both Houses of the General Assembly.

A message in writing from His Excellency the Governor of the State of Tennessee, transmitted by the hands of John S. Young, Esq., Secretary of State for the State of Tennessee.

On motion of Mr. Foster,

The message of His Excellency, in writing transmitted to the Senate, was read at the Clerk's table, and is as follows, to wit:

Fellow-Citizens of the Senate
and House of Representatives:

In discharging the duties of the high trust committed to my hands as the Chief Executive officer of the State, I have felt it incumbent on me to convene the General Assembly in extraordinary session at this time.

It is a subject of regret that I cannot tender you the usual congratulations upon the prosperous condition which has heretofore characterized the history of the State. Laboring in common with the other States of the Union, under the disadvantages that unavoidably attend a derangement of the monetary affairs of the country, it could not be expected that we should be exempt from a participation in the gloom and distress, that invariably accompany the pecuniary convulsions which have marked the history of all the governments of the earth. Notwithstanding, however, much pecuniary distress and embarrassment pervade our State, we have much to excite our gratitude, and induce a patient endurance of the evils that surround us, which, I trust, will be found to be only temporary in their character. Our State has been blessed with health in an almost unparalleled degree; the earth has yielded an abundant supply of all that ministers to the comfort of man; and it may be emphatically said, that peace and plenty pervade the State. These are considerations which should go far to silence our murmurings, and they demand the tribute of praise and gratitude to that kind Providence that has secured such blessings.

The framers of our State Constitution, anticipating the occurrence of events that would require the action of the legislative department of the government, at other than the regular biennial sessions, and providing for such exigences, invested the Executive with the power to convene the General Assembly in extra session, when, in his judgment, the public interest demands it.

Believing that such a necessity for an early convention of the Legislature as is contemplated by the constitution had arisen, and that your assembling together would not be longer postponed without detriment to the public interest, I could not (however much I might desire to avoid the trouble and expense of an extra session) hesitate as to the course it was my duty to pursue. The power conferred upon the Executive of

recommending to the Legislature when thus convened, such subjects as should claim their attention, and the restrictions it imposes on their action, makes the duty of the Executive on the present occasion, one of great delicacy and responsibility. The design of the constitution in imposing this restriction was, doubtless, to guard the country against the evils of excessive legislation.

If this construction of the constitution be correct, (and I presume none can doubt it,) it is the duty of the Executive to confine his recommendations to such subjects as immediately affect the interests of the State, and which are of such an urgent character as not to admit of postponement until the meeting of the General Assembly at its regular session. Not doubting this construction, I shall, as far as may be, conform to it; leaving out of this communication many questions which are of some importance to particular sections of the State, but which are local in their character, and as such, are not proper subjects for legislative action on the present occasion, and could not be introduced without violating at least the spirit of the constitution.

One of the objects for which I have felt it my duty to convene you, and to which your attention is invited, is the necessity of laying off the State into Congressional districts. By an act of Congress passed at its last session, apportioning the representation among the several States of the Union, Tennessee is entitled to eleven members in the House of Representatives. This reduction in the representation of the State in the Congress of the United States, renders the necessity of an adjustment of the districts indispensable. The necessity and importance of discharging the duty is too obvious to require an argument to enforce its execution upon those who are charged with the protection of the honor and interest of the State.

I am aware of the difficulty that may attend a satisfactory adjustment of this question; but however difficult the task may be, it cannot lessen the obligation. To omit or neglect the performance of this duty will deprive the State of any participation in national legislation, at least so far as the representative branch is concerned. Such a result would be hazardous to the rights and interests of the State, disparaging to its high character, subversive of the good order of society, disorganizing in its tendency, and dangerous to the prosperity of that union which it is the pride of every patriot to cherish and sustain

A similar and no less difficult task is also to be performed in laying off the State into Senatorial and Representative districts. This duty was incumbent upon the Legislature at its last regular session, but from some cause it was omitted, and it becomes my duty at this time, to present it to your consideration. The performance of this duty is rendered imperious, not only by the requirements of the constitution, but by every consideration of justice and equity. Much unequality exists in different sections of the State in their representation, which can only be corrected by a re-organization of the districts. Under the impression that you will properly appreciate the importance of the subject, I submit it to your consideration with the sincere desire, that you may be able to discharge this perplexing duty in such manner as will secure to each county

in the State, (as far as practicable) a just and equal participation in the benefits of the Legislative department.

It will be remembered, that at the last regular session of the General Assembly, the two seats to which Tennessee is entitled in the Senate of the United States had become vacant; the one by the expiration of the term for which the Hon. Alexander Anderson had been elected; the other by the expiration of the pro-tem appointment of the Hon. A. O. P. Nicholson.

It was, doubtless, the duty of the General Assembly to have filled these vacancies, at the last regular session. Of the causes that occasioned the failure so to do, it is not necessary that I should speak; suffice it to say, that the vacancies still exist, and the duty to fill them is as binding on you, as it was on the legislature at its last session. The Constitution of the United States provides, that the Legislatures of the several States shall elect Senators to the Congress of the United States, leaving the time, place and manner of holding such elections, to be prescribed by the Legislatures of the States respectively, subject, however, to such alterations as Congress may think proper to adopt, except as to a change of place; this is fixed and cannot be altered. Thus it appears, that the power of electing Senators to the Congress of the United States is vested exclusively in the Legislatures of the respective States; it becomes a question, therefore, of great importance, to ascertain whether the Legislature of a State can neglect or omit such election without a violation of the spirit of the Constitution, and a sacrifice of the public interests.

Each State is entitled to an equal participation in the Senatorial branch of the National Legislature. This is not only a privilege secured to all the States, but it is a duty incumbent upon them to carry into effect the design of the Constitution, by a perfect organization of that body. Can any one State of the Union disregard this duty without weakening the ties that bind the States together? If one State may refuse to elect Senators, any number may refuse, and should a majority of the States so refuse, what, I ask, will become of this branch of the National Council? It is manifest that it would be left without a constitutional quorum for the transaction of business, and must, consequently, lose all its efficiency and be dissolved. If one State may assume this attitude, every other may claim the same power, and in this way the bonds of union will not only be weakened, but as effectually dissolve the compact which binds us together in one glorious confederacy, as an open resistance to, and violation of its plainest requirements. Indeed, I regard it as more dangerous, because it is more secret and insidious, and consequently, less likely to startle the public mind, and arouse patriotic investigation. Tennessee has had no voice in the Senatorial branch of the National councils since the extra session of 1841. The seats which should have been occupied by her Senators have been vacant; her voice has been unheard whilst questions of the greatest magnitude, and of the deepest interest to our common country have claimed the attention of that body. Tennessee has had no participation in their adjustment. This reflection is one of deep humiliation to every man who looks to the honor and interest of his country, rather than to the interests and fortunes of party.

Under a firm conviction of the importance of this subject, both as it affects the honor and interest of the State, it is earnestly recommended that you elect two Senators to the Congress of the United States. If you should be of opinion that no sufficient mode of election has been prescribed, or that the manner heretofore pursued in all similar elections since the formation of the State Government is either insufficient or incorrect, I would suggest that you proceed at an early day, to make such provision as you may deem satisfactory. I make this suggestion, not because I entertain any doubts as to the justice, constitutionality, or entire sufficiency of the mode hitherto adopted in the election of Senators, but in justice to those who may honestly differ upon this subject.

By an act passed at the last session of the General Assembly, it was made my duty to appoint two Boards of Commissioners, one for East Tennessee, the other for the Western District, to carry into execution t law passed by the Legislature for the improvement of the rivers in hese divisions of the State. At an early day I proceeded to discharge that duty, but owing to some defect in the law, or a disagreement between the Boards of Commissioners and the officers of the Bank of Tennessee, as to the proper construction of the act, the measures proposed by the law have been wholly inoperative.

It was doubtless the intention of the Legislature that this act, (which is one of great interest to these divisions of the State;) should be carried out in good faith; I, therefore, recommend such an amendment as will secure its faithful and efficient execution. In order that you may fully understand what amendments appear to be necessary, I herewith transmit the communications received from the Boards of Commissioners on this subject.

In my communication to the General Assembly at its last session, I brought to their consideration the probable abandonment of the Charleston, Cincinnati and Louisville Rail Road. I also suggested the propriety of taking such action on the subject as would best secure the interest of the State. From some cause no definite action was had, and the subject still remains open; and as it is one of much interest to the State, I invite your attention to it on the present occasion. It is now in the power of the Legislature to relieve the State from a large subscription to this work, which, to say the least, is an enterprise of doubtful expediency. The Legislature of South Carolina has submitted a proposition by which this State may be relieved from her subscription to this work, and dissolve its connection with the company. On this subject South Carolina has manifested a spirit of justice and liberality truly commendable, and any further delay, or a refusal on the part of Tennessee to accede to the proposition, or take some definite action on the subject, may be regarded as a rejection, and the proposition be withdrawn. As no action was had on the subject at the last session of the Legislature, the President of the Branch of the Charleston, Cincinnati & Louisville Railroad Bank at Knoxville, has made a demand on the Bank of Tennessee for the interest due on the Bonds issued for the benefit of the Company as a part of the subscription on behalf of the State. The Bank of Tennessee has declined to meet this requisition, and thus the question remains unadjusted, and can only be settled by the action of the Legislature. A copy of

the act of the Legislature of South Carolina, containing the proposition submitted to this State, and also a communication from the President of the Branch of the Bank at Knoxville, which throw much light on this subject, are herewith transmitted.

After the most mature and deliberate consideration, I feel it my duty to call your attention to the propriety of so amending the charter of the Bank of Tennessee, as to limit the accommodation of directors to a sum not exceeding two thousand dollars, and of adopting some plan for a minute investigation into its affairs, as well at the Principal Bank as the respective Branches. This institution, founded on the capital of the State, is closely identified with its prosperity, and should receive the fostering care of the Legislature. It will be remembered, that the School Fund, on which the indigent children of the country depend for an education, humble it may be, but yet of vast importance to them, constitutes a material part of the capital. On the faithful and efficient management of this institution, depend not only the means of educating the indigent youth of the country, but we also look to the profits of the Bank as the means of paying the interest of the debts of the State, and thus escape the oppression of direct taxation. In view of the deep interest of the State in the success of the Bank, it becomes the duty of the Legislature to make such amendments to the charter as experience shall have shown to be necessary. I regard the amendment as essential to its successful management, not from any knowledge I possess of abuses having obtained in the administration of its affairs, but the experience of all similar institutions demonstrates the propriety of the suggested amendment. In order that the Legislature, at its next regular session, may possess the information necessary to enable it to determine what other changes may be proper, to enable the Bank to answer the great ends for which it was created, I would recommend the appointment of three prudent and efficient commissioners, one from each grand division of the State, to visit the Principal Bank, and all the Branches, with full power to examine all the books, papers, and accounts, with full power also to examine witnesses on all subjects connected with the investigation, and that said commissioners make full and complete report on oath, to the next General Assembly. If, on investigation, it shall appear, that the management of the institution has been such as to promote the public interests, the State will be amply remunerated for all the trouble and expense incident to the examination. An increased confidence will be infused into the people, and the Bank will feel an increased ability to advance and promote the public good. If, on the other hand, errors have obtained in its management, the sooner they are corrected the better. It will scarcely be denied by any, that its affairs should be fully investigated, and I regard the plan suggested as being the most economical, as well as the most satisfactory mode in which it can be done.

Within a few days I have received the melancholy intelligence of the death of Dr. James P. H. Porter, Register for East Tennessee. This much to be regretted event occurred so short a time before you would assemble, that I declined filling the vacancy by a *pro tem.* appointment. It will therefore be your duty to elect a Register to supply this vacancy; and in order that the public service may suffer as little inconvenience

as possible, I suggest that you proceed, at an early day, to discharge this duty.

Having thus briefly brought to your notice some of those subjects which induced me to call you together at the present time, I might here close this communication; but from the great number, and the highly respectable character of petitions and memorials which have been presented to me, asking the interposition of the Legislature to stay, if possible, the tide of ruin and distress which threatens to overwhelm the State, I have felt myself constrained, not only by sympathy for a suffering country, but a sense of duty, to remove, as far as I am concerned, any impediment to the free action of the Legislature on the subject.

That much pecuniary embarrassment exists throughout our State, none will deny; it is felt by all classes and conditions; and if relief can be afforded, without a violation of principle, or the sacrifice of great and important interests, that the country will be grateful, none will doubt.—The question, however, here presents itself, what can be done? What is the remedy? Where is the panacea to be found? Can the Legislature devise a plan, just an equitable in itself—one which, while it consults the honor and dignity of the State, will not tarnish or impair her credit? I repeat, can the Legislature devise a plan that will secure and protect those important interests, and, at the same time, afford that relief the country demands? As for myself, I am free to declare, that I do not flatter myself, (however much I may desire it,) that the Legislature of this or any other State, can do much to remedy the evils of which we complain. If we would remove the disease that affects the body politic, if we would efface the causes which have produced this general paralysis, and apply a remedy that will be safe and permanent, we must first ascertain the source from whence the disease springs. If the distress that prevails has been the result of an impolitic and unwise administration of the State governments; if the evil can be traced to improper action on their part, then we might look with some hope of success to them for a correction of their errors. But, in my judgment, we cannot charge the origin of our embarrassments to the States; neither can they in justice or charity be visited upon the heads of those unfortunate individuals, who have, by misfortune or imprudence, contributed their portion to the great aggregate of indebtedness which now oppresses the country, and paralyses its energies. We must look to some other cause as the source of this evil, and I do not hesitate in expressing my settled conviction, that the cause of most, if not all, the embarrassment that pervades not only this, but our sister States, is to be found in the injudicious administration of the General Government. The improper interference with the currency, and an attempt to regulate and control the finances of the country by the destruction of the Bank of the United States, and the substitution of State institutions, have produced most of the evils of which we complain; and we are now realizing the bitter fruits of an overweening confidence in the promises of the advocates of this policy. During the existence of the Bank of the United States, as far as our monetary affairs were concerned, all was calm and quiet. The prices of property, and the products of labor, were firm and steady; labor re-

ceived its just reward, and the march of the country to prosperity was firm and decided.

At that most interesting period of our national history, when all the elements of prosperity were in successful operation; when we exhibited to the world a spectacle of national happiness; when we had attained that point which makes a nation not only proud at home, but respected abroad, for the purity of her institutions, and the wisdom of her laws; at that interesting and important crisis, (whether with pure and patriotic motives, or the result of misguided judgment, or the promptings of an unbridled ambition, I do not pretend to say,) but it was decreed that the Bank of the United States should be destroyed; the edict was registered; the war was proclaimed; and the work was consummated. Need I stop here to inquire, what was the effect of this mistaken policy on the prospects and fortunes of the country? the melancholy response of suffering thousands is wafted on every breeze. Entire derangement of the whole monetary system; prostration of public and private confidence; fluctuations in the value of property, sudden expansions and fearful contractions, are some of the results of a policy which has brought us, as a nation, to the verge of bankruptcy.

Having destroyed the Bank of the United States which had furnished, at all times, a currency equivalent in value to gold and silver, a resort to another system of currency was rendered necessary. The State Bank system was regarded as the most plausible, and it was even alledged that State Banks could and would furnish as good or better currency, than the Bank of the United States. This experiment was made, and with what success, is clearly set forth in the history of the times. At the period of the expiration of the charter of the Bank of the United States, there were a number of State Banks in operation, but it was deemed necessary still further to increase their number, in order, as was alleged, to supply the vacuum in the currency occasioned by the withdrawal from circulation of the notes of the Bank of the United States. Thus the State Banks were increased until they reached the astonishing number of about nine hundred. To secure the public confidence, and cause the loss of the Bank of the United States to be less felt, a number of these institutions were selected as deposit Banks, and enjoyed the peculiar favor and patronage of the General Government. To silence all complainings as to the amount of this *better currency*, and to convince the country of the perfect success of the experiment, an order was issued from the Treasury Department to those favored institutions, not to hoard the public money, but to use it in affording facilities to trade and commerce. Here was a direct order to the Deposit Banks not to lock up the public monies. What was this but an inducement to imprudent issues, and an encouragement of extravagance, and wild and hazardous speculation on the part of the people. The temptation being freely laid before them, many of our honest and unsuspecting fellow citizens, yielded to the alluring hope of acquiring fortune without labor, were deceived, and now the advocates of this delusive policy, taunt these unfortunate and confiding individuals with being the authors of their own misfortunes.

I need not further trace the history of the policy above spoken of,

and its consequences, it is enough that we have seen the end of the experiment, and with it we have seen and felt its disastrous effects upon the prospects of the country. At one time we have seen the country flooded with an irredeemable currency, property of all kinds assuming a fictitious value, and all eyes turned to the Banks and their liberal accommodations, as a means of acquiring real and substantial wealth. We have seen the bubble burst, and we are now realizing the bitter consequences.

It is idle and delusive to suppose that Government can, by acts of legislation, pay the debts of the citizens; but it is the duty of government to adopt such measures and afford such facilities, as will, combined with industry and economy, secure competency and independence. The object of every well regulated government is, to protect the interest and defend the rights of its citizens, and, as far as may be, promote their prosperity and happiness. For that relief which is now sought for, we must look to the General Government, and not to the Legislature of this or any other State—the remedy is with the General Government, and not with the individual States.

If we would apply a remedy that is to be effectual, we must go back to the principles adopted by Washington, Madison, and other fathers of the Republic—a policy which secured to the country a sound, equal, uniform, and convertible currency. With facilities which may thus be afforded, combined with the energies and enterprise of our citizens, we shall be able to regain our wonted prosperity, and our country once more restored to that peace and tranquility to which she has been so long a stranger.

The great scarcity of the circulating medium of the State is doubtless the immediate cause of the great depression in the value of property. By comparing the circulation of the Banks of the State, during the years of 1836 and 1837, with the circulation at this time, it will appear that the reduction has been immense. During the years 1836 and 1837, the aggregate circulation of our Banks, independent of the notes of the Banks of other States, was about five millions; the aggregate of the present circulation will not exceed one million two hundred thousand dollars. From this statement, it will appear, that the debtor class must submit to a great sacrifice in the sale of property, in order to meet their engagements, if the value of property is dependent in any great degree on the amount of circulation—and this proposition, I presume, will not be controverted by any. If, then, any permanent relief is to be afforded, it must be by an increase of the circulating medium. How is this to be effected? There are but two modes: one by an extension of Bank accommodations, the other by an increase of Banking capital. The first must be regarded as a hazardous experiment; and in the present condition of things, it is certainly not desirable, that the number of banking institutions should be increased, or that the capital of existing banks should be enlarged.

If the foregoing view of the causes that have produced the embarrassments under which we labor be correct, the most effectual remedy will be the establishment of a National Bank—a remedy more substantial and enduring than any that may be proposed. But here we

are met by the advocates of relief; and told we cannot look to the establishment of a National Bank in time to meet the urgency of the case. The work of destruction will have been accomplished; the executioner will have performed his office, before such a change can be effected in the administration of the Federal Government, as will effect this important object. This argument is entitled to consideration, and if it be true it furnishes a humiliating commentary on the abuse of our institutions by the exercise of the one man power, and demands the interposition of the people to prevent similar abuses, by an abridgment of the veto power of the President, that anti-republican feature in our system of government. This power was intended to be conservative, but we have seen how it may be abused. If one man may, by the exercise of this power, set at defiance the clearly expressed will of a majority of the people, whether it be exercised as an offering to conscience, or through the suggestions of treason, it matters not; the effect is the same, it is the government of one man, and makes our government to differ from a monarchy only in name.

Driven by the arbitrary and despotic exercise of power from any hope of relief from the Federal Government, the people must look to the Legislature for such a redress of grievances as it may be in their power to afford. If the Legislature can devise any remedy that will remove or mitigate the evils of which our constituents complain, it is their duty to adopt it, and in common with every patriot and philanthropist, I shall rejoice. However much I may sympathise with the unfortunate and distressed, however gladly I would extend the hand of relief and mitigate the misfortunes of my fellow-citizens, still I cannot forget, and I hope none will lose sight of what is due to the honor, credit and character of our State.

Tennessee is the fifth State of the Union in population, and is second to none in virtue, intelligence and patriotism. She has attained a high and enviable character for her integrity and her fidelity to all her public engagements; these have been honestly and promptly met. As one jealous of her honor I should regard the adoption of any measure (however urgent the necessities of the case might be supposed to be,) which would compromit the public faith, or the character of the State for honor and integrity as suicidal, and not to be justified on any plea of policy, expediency or necessity. I have, therefore, to invoke your calm deliberation on this difficult subject, confidently trusting that under the influence of a laudable sympathy for a suffering constituency, you will not forget what is due to the honor of the State.

I am aware of the difficulties attending this subject, and that there is some difference of opinion as to the course the Executive should take. There are those for whose opinion I have the highest regard, who doubt the propriety of opening this question for legislative action, but, having deliberately surveyed the whole ground, I have felt constrained from a deep sense of duty, to place the subject before you in such an attitude, that such action may be taken as your judgments may dictate. I regard the Legislature as the proper tribunal to adjust this question. The representatives of the people are supposed to reflect the public will, and as I have at all times regarded the people as

the legitimate source of all power, I am at all times disposed to conform my conduct to this ever to be cherished doctrine. Hence, as the public sentiment appeared to me to demand, that the attention of the Legislature should be called to this subject, I could not adopt a different course, without disregarding a doctrine, which I hold to be the foundation of republican institutions. The divisions of the government as defined by the Constitution, I regard as perfectly just, and as I do not arrogate to myself the exercise of legislative power, I cannot interpose to prevent the free exercise of legislative functions by those to whom they properly belong, in carrying out what appears to be the wishes of the people, whose representatives you are.

The measures contemplated for the accomplishment of the object are various and multipled; many of them at first view, appear to be plausible, yet, I fear when put to the test, they will be found delusive. In view then, of the variety of measures proposed, I have preferred opening the whole subject, and as you are fresh from the people, it is presumed you are fully acquainted with their wants and wishes. If in your wisdom you shall devise a plan that will meet the exigences of the times, it will afford me pleasure to co-operate with you, and nothing shall be wanting on my part to secure the country all the benfit such measure may be intended to confer. Without troubling you with the details of any particular plan, the entire subject is respectfully submitted, invoking the guidance of that wisdom which will enable you to arrive at conclusions honorable to the country, satisfactory to yourselves, and beneficial to your constituents.

JAMES C JONES.

Executvie Department, October 4, 1842.

Mr. Ledbetter moved that the Senate dispense with the reading of the documents accompanying the message of His Excellency the Governor of the State, and therein referred to, which being considered of the Senate, said motion prevailed.

Mr. Reneau moved that five thousand copies of the message of His Excellency the Governor of the State, this day transmitted to the Senate, be printed.

Which motion prevailed.

Mr. Johnson moved that so much of the message of His Excellency the Governor of the State, transmitted to the Senate, as relates to a Bank of the United States be referred to the Committee on Federal Relations.

Which motion Mr. Johnson afterwards withdrew.

Mr. Foster submitted the following:

Resolved, That so much of the Governor's message as relates to the subject of relief be referred to a Joint Select Committee of three of the Senate, and of such members as may be appointed by the House of Representatives.

That so much of the message as relates to the Banks be referred to the Committee on Banks.

That so much of said message as relates to the issuance of the bonds to East and West Tennessee, of one hundred thousand dollars each, under the law of 1841, be referred to the Committee on Internal Improvements.

That so much of said message as relates to laying off the State into Congressional Districts be referred to a Joint Select Committee of both Houses of the General Assembly, to consist of on the part of the Senate, and such members on the part of the House of Representatives as shall be appointed.

That so much of said message as relates to the subject of Internal Improvements be referred to the Committee of Internal Improvements.

That so much of said message as relates to laying off the State into Senatorial and Representative Districts be referred to a Joint Select Committee of both Houses of the General Assembly.

Which being read was laid on the table.

Mr. Ledbetter submitted the following:

Resolved, That the Clerk make out and report to the Senate a Tabular Statement of the Federal Census of 1840, so far as may be necessary to show the population in the several counties of this State, and discriminating between the free and slave population, by presenting the same in separate columns, and showing also in an additional column the entire number of three fifths of the slave population, and entire free population, added together, in each county.

Which being read,

On motion of Mr. Ledbetter,

The rule requiring resolutions to lie over one day being dispensed with, said resolution was adopted.

On motion of Mr. Foster,

The Senate adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, October 5, 1842.

Mr. Johnson submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the basis to be observed in laying the State off into Congressional Districts shall be the voting population, without any regard to three fifths of negro population.

Resolved, That the 120,083 voters shall be divided by eleven, and that each eleventh of the 120,083 voters shall be entitled to one member in the Congress of the United States, or so near as may be practicable without a division of counties.

Which being read, was,

On motion of Mr. Johnson,

Laid on the table.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker:—I am directed to inform the Senate that the House of Representatives have adopted a resolution proposing that the Senate meet the House, in their Hall, on Friday, the 7th inst., for the purpose of electing a Register of the Land Office for the District of East Tennessee, to fill the vacancy occasioned by the death of Dr. James P. H. Porter; in which the House of Representatives ask the concurrence of the Senate.

And then he withdrew.

On motion of Mr. Williams;

The Senate took up and considered a message from the House of Representatives, transmitting a resolution adopted by the House proposing that the Senate meet the House of Representatives, in their Hall, on Friday, the 7th instant, for the purpose of electing a Register of the Land Office for the District of East Tennessee.

Which being read, was considered by the Senate, when,

On motion of Mr. Williams,

The Senate concur therein.

Ordered, That the clerk announce to the House of Representatives the concurrence of the Senate in said resolution.

Mr. Foster introduced

A bill to relieve the people by creating and regulating conventional interests, and by suppressing usury and shaving notes.

Which was read a first time and passed.

On motion of Mr. Martin,

Ordered, That fifty copies of said bill be printed for the use of the Senate.

On motion of Mr. Martin,

The Speaker of the Senate thinks fit to appoint, and accordingly does appoint, Thomas J Munford, a Senator from the county of Wilson, to be of the several committees of the Senate to which the Hon. Benjamin T. Motley, late a Senator from said county, had been heretofore assigned.

Mr. Williams introduced

A bill for the redemption of personal property.

Which was read a first time and passed.

On motion of Mr. Williams,

Leave is given him to withdraw said bill for amendment.

On motion of Mr. Martin,

The Senate took up the consideration of a resolution submitted by Mr. Foster, in reference to so much of the message of His Excellency the Governor of the State, as relates to relief, and proposed to be referred to a Joint Select Committee of both Houses of the General Assembly.

Which being read,

Mr. Laughlin moved that the Senate adjourn until to-morrow morning, 9 o'clock.

The ayes and nays being demanded by Mr. Ledbetter, it was determined in the negative.

Yeas, - - - -	6
Nays, - - - -	17

The affirmative voters were,

Messrs. Hardwicke, Laughlin, Maclin, Martin, Matthews, and Miller —6.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Johnson, Ledbetter, Munford, Nelson, Peyton, Powell, Reneau, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney—17.

So said motion to adjourn was rejected.
The question then recurred upon the adoption of said resolution.
And pending the consideration thereof,
On motion of Mr. Laughlin,
The Senate adjourned until to-morrow morning, 9 o'clock.

THURSDAY, October 6, 1842.

Mr. Gardner, a Senator from Weakley county, who had been prevented by indisposition from attending at the commencement of the session, this day appeared and took his seat.

Mr. Ashe asked and obtained leave of absence for Mr. Jennings, a Senator from Davidson county, being unable to attend in consequence of indisposition, by which he is confined to his room.

Mr. Matthews submitted the following:

Resolved, That the ministers of the gospel of the several Orthodox Christian denominations in the city of Nashville, be invited to open the deliberations of the Senate every morning by prayer, by such arrangements as may suit their convenience.

Which being read,
Was laid on the table.

The Senate resumed the further consideration of the unfinished business of yesterday, being the resolution submitted by Mr. Foster proposing the reference of so much of the message of His Excellency the Governor of the State, communicated to the Senate on the 4th instant, as relates to relief, to a Joint Select Committee.

And pending the consideration thereof,
On motion of Mr. Johnson,
The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate resumed the consideration of the unfinished business of morning, being the resolution submitted by Mr. Foster, proposing a reference to a Joint Select Committee of both Houses of the General Assembly, of so much of the message of His Excellency the Governor of the State, communicated to the Senate at the present session, as relates to measures of relief.

And pending the consideration thereof,
On motion of Mr. Ashe,
The Senate adjourned until to-morrow morning, 9 o'clock.

FRIDAY, October 7, 1842.

Mr. Ross, a Senator from the couhties of Lincoln and Giles, appeared and took his seat.

Mr. Frey in the Chair.

The Senate took up the consideration of the unfinished business of the yesterday, being the resolution submitted by Mr. Foster proposing a reference to a Joint Select Committee of both Houses of the General As-

sembly, of so much of the message of His Excellency the Governor of the State, as relates to measures of relief.

A message from the House of Representatives, by Mr. Brown, their assistant clerk:

Mr. Speaker:—I am directed to inform the Senate that the House of Representatives have taken a recess, preparatory to the going into an election for Register of East Tennessee, set apart for this day.

On motion of Mr. Ledbetter,

It is ordered by the Senate that the documents accompanying the message of His Excellency the Governor of the State, and therein referred to, submitted to the Senate at the present session, be transmitted to the House of Representatives.

On motion of Mr. Ledbetter,

The Senate took a recess, preparatory to meeting the House of Representatives in their Hall on this day, to elect a Register for the District of East Tennessee.

Mr. Speaker Turney called the Senate to order.

Whereupon the Speaker and Gentlemen of the Senate proceeded to the Hall of the House of Representatives.

And the Senate and House of Representatives, in convention being assembled, proceeded to the election of a Register of the Land Office for the District of East Tennessee.

Whereupon the Speaker of the Senate declared that nominations to fill said office were in order.

Mr. Pate put in nomination Mr. F. A. Ramsey.

Mr. Nelson put in nomination Mr. Thomas Rodgers.

Mr. Pickens put in nomination Mr. Richard Lanning.

Mr. Rowles put in nomination Mr. Isaac Lewis.

The convention proceeded *viva voce* to elect a Register of the Land Office for the District of East Tennessee.

Senators who voted for Mr. Ramsey were,

Messrs. Ashe, Foster, Jennings, Ledbetter, Munford, Peyton, and Williams—7.

The votes cast for Mr. Ramsey by the House of Representatives, being, as reported, twenty-two, in all twenty-nine.

Senators who voted for Mr. Rodgers were,

Messrs. Bradberry, Frey, Nelson, and Sevier—4.

The votes cast for Mr. Rodgers by the House of Representatives, a reported, being five, in all nine,

Senator Reneau voting for Lanning.

The votes cast in the House of Representatives for Mr. Lanning, as reported, being nine, in all ten.

Senators who voted for Mr. Lewis were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney—13.

The votes cast by the House of Representatives for Mr. Lewis, as reported, being thirty-six, in all forty-nine.

Mr. Isaac Lewis having received a majority of all the votes cast in said election, the Speaker of the Senate thereupon declared that said Isaac Lewis was duly and constitutionally elected Register of the Land Office for the District of East Tennessee, for and during the full space and term of four years, next ensuing.

Whereupon the convention rose, and Mr. Speaker Turney and Gentlemen of the Senate returned to their chamber and resumed their session.

The Senate resumed the consideration of the resolution submitted by Mr. Foster, proposing a reference to a Joint Select Committee of both Houses of the General Assembly, of that portion of the message of His Excellency the Governor of the State, relating to measures of relief therein set forth.

And the question recurring upon the adoption of the said resolution, was had and determined in the affirmative.

Yeas, - - - - -	13
Nays, - - - - -	11

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Munford, Nelson, Peyton, Reneau, Sevier, Williams, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, and Waterhouse—11.

So said resolution was adopted.

The Senate took up the consideration of the second resolution submitted by Mr. Foster, referring that portion of said message as relates to the Bank, to the Committee on Banks.

And the question upon the adoption of said resolution being had, was determined in the affirmative.

The Senate took up the consideration of the third resolution submitted by Mr. Foster, referring that portion of said message relating to the issuance of bonds to East and West Tennessee of one hundred thousand dollars each, under the act of 1841, to the Committee on Internal Improvements.

Which was read.

Mr. Powell offered the following amendment in lieu of said third resolution:

Resolved, That so much of the Governor's message as relates to the appropriation of two hundred thousand dollars to the rivers in East Ten-

nessee and the Western District, be referred to the Select Standing Committee.

Which was read.

And the question upon the adoption of said amendment, in lieu of said third resolution, being had was determined in the affirmative.

And so said amendment was adopted.

The Senate took up the consideration of the fourth resolution submitted by Mr. Foster, proposing the reference of that portion of the message of His Excellency the Governor, to a Joint Select Committee of both Houses of the General Assembly, in relation to laying off the State into Congressional Districts.

Which being read,

Mr. Foster offered the following amendment, to wit: "That said Joint Select Committee be composed of an equal number from both parties."

Which being read,

And the sense of the Senate thereon had, said amendment was adopted.

Mr. Foster moved to amend said resolution by inserting in the blank contained therein the word "four."

Which being considered of by the Senate,

Said amendment was adopted.

Mr. Ledbetter moved a reconsideration of the amendment offered by Mr. Foster, filling the blank in the 4th resolution with the word "four."

Which being considered of by the Senate,

Said motion prevailed.

Mr. Ledbetter moved to fill the blank contained in said fourth resolution, by inserting therein the word "six."

Which being considered of by the Senate,

Said amendment was adopted.

Mr. Foster moved to amend said resolution by inserting therein, after the words "on part of the Senate," the words "two from each Division of the State."

Which being read and considered of by the Senate,

Said amendment was adopted.

Mr. Jennings moved to amend said resolution by adding thereto the following words, to wit: "And that said Committee be instructed to report on or before the fifteenth instant"

Which being read and considered of by the Senate,

Said amendment was adopted.

Mr. Laughlin moved to amend said resolution by striking out the word "; int," recurring in said resolution, after the words "be referred to a."

And the question thereupon being had, was determined in the negative.

Yeas, - - - -	11
Nays, - - - -	13

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, and Waterhouse—11.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Munford, Nelson, Peyton, Reneau, Sevier, Williams, and Mr. Speaker Turney—13.

So said amendment was rejected

The question then recurred upon the adoption of said resolution, as amended.

Which being had, was determined in the affirmative.

Yeas, - - - - -	13
Nays, - - - - -	11

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Munford, Nelson, Peyton, Reneau, Sevier, Williams, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, and Waterhouse—11.

So said resolution, as amended, was adopted.

The Senate took up the consideration of the 5th resolution submitted by Mr. Foster, proposing to refer that part of the message of His Excellency the Governor of the State, relating to the subject of Internal Improvement, to the Committee on Internal Improvements.

Which being read and considered of by the Senate,

Said resolution was adopted.

The Senate took up the consideration of the sixth resolution submitted by Mr. Foster, proposing to refer that part of the message of His Excellency the Governor of the State to a Joint Select Committee of both Houses of the General Assembly that relates to the laying off the State into Senatorial and Representative Districts.

Which being read,

Mr. Foster moved to amend said resolution by adding thereto the following, to wit: "Such committee to consist of six on part of the Senate, two from each division of the State, three of each party, and the committee of the House to be of the number appointed by the House, consisting of an equal number of each party.

Which was read.

And the sense of the Senate thereon being had, it was determined in the affirmative.

So said amendment was adopted.

Mr. Laughlin moved to amend said resolution by striking out the word

"Joint" occurring in said resolution after the words "be referred to a."

And the question thereon being had, was determined in the negative.

Yeas, - - - - -	11
Nays, - - - - -	13

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, and Waterhouse—11.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Ledbetter, Munford, Nelson, Peyton, Reneau, Sevier, Williams, and Mr. Speaker Turney—13.

So said amendment was rejected.

The question then recurred upon the adoption of said resolution, as amended.

Which being had, was determined in the affirmative.

So said resolution, as amended, was adopted.

Ordered, That the clerk announce to the House of Representatives the adoption of said resolutions, and ask a concurrence therein.

The Speaker of the Senate thinks fit to appoint, and accordingly does appoint the following gentlemen Senators on part of the Senate to be of the following Joint Select Committee of both Houses of the General Assembly, on the reference of so much of the message of His Excellency the Governor of the State on sundry resolutions submitted by Mr. Foster, to wit:

On the subject of relief, in said message referred to, Messrs. R. Foster, Reneau, and Sevier.

On laying off the State into Congressional Districts, Messrs. Johnson, Nelson, Laughlin, Frey, Maclin, and Bradberry.

On laying off the State into Senatorial and Representative Districts, Messrs. Gardner, Ashe, Warner, Ledbetter, Waterhouse, and Williams.

Mr. Powell introduced

A bill to abolish imprisonment for debt.

Which was read a first time and passed.

The Senate adjourned until 3 o'clock, P. M.

EVENING SESSION.

Mr. Matthews introduced

A bill to give further time for the Sheriffs of the different counties to pay over the county revenue.

Which was read a first time and passed.

Mr. Laughlin submitted the following:

Resolved, That the Committee on Internal Improvements be instructed to ascertain the actual amount of the actual expenses which have occurred in making surveys within the limits of this State, and all su

other expenses as have occurred within the same limits, which it will be necessary and proper for the State of Tennessee to pay, in order to carry into effect, upon equitable terms, the compromise proposed by the Legislature of South Carolina, and referred to in the Governor's message, in regard to the subscription of stock in the Charleston, Cincinnati, and Louisville Railroad, on the part of Tennessee, amounting to the sum of six hundred and fifty thousand dollars; and that said committee be further instructed to report a bill providing for the payment of said expenses, and also providing for the withdrawal of said subscription of stock; and also providing for the calling in and cancelling the bonds of the State, amounting to thirty-two thousand dollars, heretofore issued in pursuance of said subscription.

Resolved, That said Committee be also instructed to inquire and ascertain the amount of profit or loss which has accrued in the Branch of Charleston, Cincinnati, and Louisville Rail Road Bank at Knoxville; and what appropriation and application has been or ought to be made, of any profits which may have accrued at said Branch Bank, in which the State of Tennessee may have an interest.

Which being read,

Was laid on the table.

The Senate, on motion of Mr. Matthews,

Took up the consideration of a resolution by him submitted, proposing that the Ministers of the Gospel of the several orthodox christian religious denominations in the City of Nashville, be invited to open the deliberations of the Senate each morning by prayer.

Which being read,

Mr. Laughlin moved to amend said resolution by striking out the word "orthodox" occurring in said resolution, after the words "gospel of the several."

Which being considered of by the Senate,

Said amendment was adopted.

And the question upon the adoption of said resolution as amended, being had, was determined in the affirmative.

Yeas, - - - -	14
Nays, - - - -	9

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Foster, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, Maclin, Martin, Matthews, Powell, Reneau, Ross, and Warner—14.

The negative voters were,

Messrs. Frey, Johnson, Miller, Munford, Nelson, Sevier, Waterhouse, Williams, and Mr. Speaker Turney—9.

So said resolution as amended, was adopted.

Mr. Ledbetter moved the Senate, that fifty copies of the tabuler statement of the Federal Leencus of the United States for the year 1840, taken

for the State of Tennessee, made out by the clerk, and submitted to the Senate under a resolution by him submitted, be printed.

And the sense of the Senate being had thereon, said motion prevailed.

On motion of Mr. Bradberry,

The Senate adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, October 8th, 1842.

The Senate was opened with prayer, by the Rev. R. B Howell, Pastor of the Baptist Church, of the City of Nashville.

Mr. Reneau submitted the following:

Ordered, By the Senate, that the Joint Select Committee to whom is referred so much of the Governor's Message as relates to the subject of relieving the people from their pecuniary distress, shall consist of six members on part of the Senate, three of which shall be taken from each of the two political parties, and request that the House adopt a similar principle in the appointment of its part of said committee.

Which being read,

On motion of Mr. Reneau,

The rule requiring resolutions to lie over one day was suspended.

And the question upon the adoption of said resolution being had, was determined in the affirmative:

Yeas,	-	-	-	-	13
Nays,	-	-	-	-	11

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Munford, Nelson, Peyton, Reneau, Sevier, Williams, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, and Waterhouse—11.

So said resolution was adopted.

Whereupon, Mr. Speaker Turney thinks fit to appoint, and accordingly doth appoint Messrs. Martin, Matthews, and Miller, to be of said Committee.

Ordered, That the clerk announce to the House of Representatives the adoption of this resolution, and ask a concurrence therein.

Mr. Matthews asked for, and was discharged from the Joint Select Committee of both Houses of the General Assembly, in relation to the subject of relief, referred to in the Message of his Excellency the Governor of the State.

On motion of Mr. Ledbetter,

Mr. Ross was added to the Joint Select Committee on the subject of relief, in lieu of Mr. Matthews, who asked for, and was discharged from further service on said Committee.

Mr. Turney introduced
A bill to relieve the people, by requiring the Bank of Tennessee and Branches, to issue two millions of Post Notes.
Which was read a first time and passed.
Mr. Turney introduced
A bill to relieve the people, by changing the Judiciary System.
Which was read a first time and passed.
The Senate, on motion of Mr. Matthews, took up the consideration of
A bill to give further time for the Sheriff's of the different counties to pay over the county revenue.
Which was read a second time, when,
On motion of Mr. Ledbetter,
Said bill was referred to the Committee on Ways and Means.
The Senate, on motion of Mr. Laughlin, took up the consideration of a resolution by him heretofore submitted, proposing amongst other things, the reference of so much of the Message of his Excellency the Governor of the State, in relation to the withdrawal of the subscription of stock by the State, to the Charleston, Cincinnati, and Louisville Rail Road Company, and also the calling in and cancelling the bonds of the State, amounting to thirty-two thousand dollars, issued in pursuance of said subscription.
Which being read,
Mr. Powell moved to amend said resolution, by striking out the following: after the words, "for the payment of said expenses," the words "and also providing for the withdrawal of said subscription of stock; and also providing for the calling in and cancelling the bonds of the State, amounting to thirty-two thousand dollars, heretofore issued in pursuance of said subscription."
Which being read,
On motion of Mr. Laughlin,
Said resolution and amendment was laid on the table.
On motion of Mr. Martin,
The Senate adjourned until Monday-morning, 10 o'clock.

MONDAY, October 10th, 1842.

The Senate was opened with prayer, by the Rev. John T. Edgar, Pastor of the Presbyterian Church, in the City of Nashville.
The Senate, on motion of Mr. Powell, took up the consideration of
A bill to abolish imprisonment for debt.
Which bill was read a second time and passed.
Mr. Powell asked and obtained leave to withdraw said bill for amendment.
Mr. Foster in the Chair.
The Senate, on motion of Mr. Turney, took up the consideration of
A bill to relieve the people, by requiring the Bank of Tennessee and Branches, to issue two millions of Post Notes.
Which was read a second time, when,
On motion of Mr. Martin,
Said bill was referred to the Committee on Relief.

The Senate, on motion of Mr. Turney, took up the consideration of
A bill to relieve the people, by changing the Judiciary System.
When, on motion of Mr. Turney,
Said bill was referred to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives concur in each of the resolutions of the Senate proposing Joint Select Committees on laying off the State into Congressional and Senatorial and Representative Districts, and they have appointed Messrs. Burton, Dew, Black, Campbell of Davidson, Alexander, Copeland, Scruggs, and Rowles, to be of the Committee on Congressional Districts, on part of the House; and they have appointed Messrs. Campbell of Washington, Standifer, Scruggs, Marable, Copeland, Fentress, Polk of Obion, and Hill, to be the Committee on Senatorial and Representative Districts, on the part of the House.

The House of Representatives also concur in the resolution of the Senate, proposing a Joint Select Committee on Relief, and have appointed Messrs. Bostick, Estell, Muirhead, Long, Torbett, Goodall, Greene, and Perkins of Williamson, to be of said Committee on the part of the House.

The House of Representatives have adopted a resolution, directory to the Joint Select Committee on Congressional Districts, and also directory to the Joint Select Committee on Senatorial and Representative Districts; in which the House of Representatives asks the concurrence of the Senate.

And then he withdrew.

Mr. Laughlin submitted the following:

Resolved, That the President and Directors of the Bank of Tennessee be requested forthwith to communicate to the Senate, whether, in their opinion it would be for the interest and safety of the Bank and Branches to adopt forthwith, the policy of issuing Post Notes with a view of increasing their circulation; and what the probable effect would be upon the currency and safety of said Bank and Branches, if Post Notes payable in twelve months, were issued, upon individual notes and bills discounted, to the amount of one million of dollars; and whether the adoption of such measure would endanger the ability of the Bank to pay the interest on the State debt, the annual appropriation to Common Schools, and other appropriations charged by law upon the institution, and whether the said Post Notes would be likely to depreciate, and at what probable rate; and also the probable effect of such measure upon the business, public credit and faith of the State.

Which being read,

On motion of Mr. Laughlin,

The rule requiring resolutions to lie over, being suspended.

And the question upon the adoption of said resolution being had, was determined in the affirmative.

Yeas, - - - -	22
Nays, - - - -	1

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Munford, Powell, Reneau, Ross, Sevier, Warner, Watherhouse, and Williams—22.

Mr. Speaker Turney voting in the negative.

So said resolution was adopted.

Mr. Martin moved a reconsideration of the vote of the Senate, adopting a resolution directory to the Bank of Tennessee, in relation to the issuance of Post Notes, submitted by Mr. Laughlin.

Which being considered by the Senate, said motion prevailed.

Whereupon, Mr. Martin moved to amend said resolution by adding thereto the following:

Resolved, That the President and Directors of the Union Bank of Tennessee, and the President and Direcrors of the Planters' Bank of Tennessee, be also requested forthwith to communicate to the Senate, the views of said Boards, respectively, whether in their opinions it would be for the interest and safety of said Banks forthwith to adopt the policy of issuing Post Notes, with a view of increasing their circulation; and what the probable effect would be upon the credit, currency, and safety of said Banks and their Branches, if Post Notes, payable in twelve months, were issued upon individual notes and bills discounted, to the amount of one million, or one half million of dollars, by each of said Banks; and whether said Post Notes would be likely to depreciate, and at what probable rate; and also the probable effect of such measure upon the business, public credit, and faith of the State.

Which being read,

Said amendment was adopted.

And the question upon the adoption of said resolution as amended, being had, was determined in the affirmative.

The Senate, on motion of Mr. Ledbetter, took up the consideration of a message from the House of Representatives, transmitting a resolution adopted by the House, directory to the Joint Select Committees appointed by the Senate and House of Representatives, to lay the State off into Congressional Districts, and Senatorial and Representative Districts.

Which being read,

Mr. Gardner moved a concurrence of the Senate in said resolution.

Yeas,	-	-	-	15
Nays,	-	-	-	7

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Foster, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Miller, Powell, Ross, Sevier, Warner, Waterhouse, and Mr. Speaker Turney—15.

The negative voters were,

Messrs. Ashe, Frey, Jennings, Munford, Nelson, Reneau, and Williams—7.

So the Senate concur in said resolution.

Ordered, That the clerk announce to the House of Representatives the concurrence of the Senate in said resolution.

On motion of Mr. Turney,

The Senate adjourned until to-morrow morning, 9 o'clock.

TUESDAY, October 11th, 1842.

The Senate was opened with prayer by the Rev. John T. Edgar, Pastor of the Presbyterian Church, in the city of Nashville.

Mr. Turney introduced

A bill to relieve the people, by authorising the several Banks in the State to issue notes of the denomination of one dollar and upwards.

Which was read a first time,

When Mr. Foster moved to amend said bill, by inserting therein, after the words "Planters' Bank of Tennessee," the words "and the Farmers' and Merchants' Bank at Memphis."

Which being read,

Said amendment was adopted.

Said bill as amended, was read a first time and passed.

Mr. Matthews introduced

A bill to extend the prison bounds to the limits of the county lines.

Which was read a first time and passed.

On motion of Warner,

The Senate adjourned until to-morrow morning, 9 o'clock, in order to permit the several committees, to whom has been referred sundry measures, proposed by the General Assembly to take action thereon.

MONDAY, October 12, 1842.

The Senate was opened with prayer, by the Rev. John T. Edgar, Pastor of the Presbyterian Church, in the City of Nashville.

Mr. Laughlin submitted the following:

Whereas, On petition of the Attorney General, on behalf of the State, dated the 23d day of July, 1842, at Knoxville, the Judges of the Supreme Court of the State of Tennessee, then in session at Knoxville, aforesaid, directed on the day aforesaid, the Clerk of the Supreme Court at Nashville, upon the application of the Attorney General of the State aforesaid, to issue writs of *scire facias* against the Presidsnt, Directors, and Company of the Union Bank of Tennessee, and the President, Directors, and Company of the Planters' Bank of Tennessee, returnable to the December term of the Supreme Court, at Nashville, 1842, grounded upon the failure of said Banks to pay specie for their notes, according to their charters, and in conformity to a resolution adopted by the General Assembly, on the 5th day of February, 1842.

And whereas, the said Banks did resume the payment of specie at a

day subsequent to the obtaining of said order, to wit: on or about the 1st day of August, 1842, and are now continuing in good faith, to pay specie according to the requirements of their respective charters. Therefore,

Resolved by the General Assembly of the State of Tennessee, That the Attorney General of the State, be directed, and he is hereby directed, no further to prosecute the said writs of *scire facias* so ordered to be issued as aforesaid.

Which being read,

Was laid on the table.

Mr. Miller introduced

A bill for the relief of debtors to the Bank of Tennessee, and its Branches.

Which was read a first time and passed.

On motion of Mr. Miller,

Said bill was referred to the Joint Select Committee on Relief.

The Senate, on motion of Mr. Matthews, took up the consideration of

A bill to extend the prison bounds to the limits of the county lines.

Mr. Matthews asked for, and obtained leave to withdraw said bill for amendment.

Mr. Matthews returned "a bill to extend the prison bounds to the limits of the county lines," by him withdrawn for amendment, with the following amendment in lieu of the whole bill; in the following words, to wit:

A bill to extend the bounds to the limits of the different counties.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any person or persons shall hereafter be arrested by virtue of a *capias ad satisfaciendum*, and shall choose to avail himself of the benefits of the prison bounds, that then, and in that case, the prison bounds for said county shall be co-extensive with the limits and bounds of said county.

Sec. 2. *Be it enacted*, That all laws and parts of laws coming within the purview and meaning of this act, is hereby repealed.

Which bill, as amended, was read a second time,

And on motion of Mr. Foster,

Said bill, with the amendment, was referred to the Joint Select Committee on Relief.

The Senate, on motion of Mr. Foster, took up the consideration of

A bill to relieve the people, by authorising the several Banks in the State, to issue notes of the denomination of one dollar and upwards.

Which was read a second time and passed.

On motion of Mr. Ledbetter,

The Senate adjourned until to-morrow morning, 9 o'clock, for the purpose of affording further time to the several committees to advise and consider of the various matters and things to them referred by the Senate.

THURSDAY MORNING, OCTOBER 13, 1842.

The Senste, on motion of Mr. Laughlin, took up and considered a resolution by him considered, directing the Attorney General of the State of Tennessee, to dismiss a petition now pending in the Supreme Court, at Nashville, for writs of *scire facias* against the President, Directors, and Company of the Union Bank of Tennessee, and against the President, Directors, and Company of the Planters' Bank of Tennessee.

Which being read,

Mr. Laughlin moved to amend said resolution, by adding thereto, the following, to wit:

Provided, nothing in this resolution, shall be so construed as to prevent or hinder the said Attorney General from hereafter sueing out and prosecuting writs of *scire facias* against said Banks, or either of them, for any future violation of their charters, or the requirements of said resolutions of the General Assembly, of the 5th February, 1842.

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

And said resolution as amended, was read,

And the question recurring upon the adoption of said resolution as amended, being had, was determined in the affirmative.

So said resolution as amended, was adopted.

Ordered, That the clerk announce to the House of Representatives the adoption of said resolution as amended, and ask a concurrence herein.

Mr. Hardwicke in the chair.

Mr. Turney presented a memorial from sundry citizens of Overton county, praying for a repeal of all laws in relation to the issuance of writs of execution.

Which being read, was,

On motion of Mr. Turney,

Referred to the Joint Select Committee on Relief.

Mr. Turney presented to the Senate a communication from the President of the Bank of Tennessee, enclosing the following financial Tabular Statement of the condition of said Bank, on the 31st July, 1842, and the 30th day of September, 1842, as follows, to wit:

BANK OF TENNESSEE, Oct. 12, 1842.

HONORABLE SAMUEL TURNEY,
Speaker of the Senate,

SIR: I have the honor to transmit the enclosed statements of the condition of this Bank and Branches, on the 31st day of July, and 30th day of September, 1842.

Most respectfully,
your obedient servant.
WILLO. WILLIAMS, *President.*

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Munford, Powell, Reneau, Ross, Sevier, Warner, Watherhouse, and Williams—22.

Mr. Speaker Turney voting in the negative.

So said resolution was adopted.

Mr. Martin moved a reconsideration of the vote of the Senate, adopting a resolution directory to the Bank of Tennessee, in relation to the issuance of Post Notes, submitted by Mr. Laughlin.

Which being considered by the Senate, said motion prevailed.

Whereupon, Mr. Martin moved to amend said resolution by adding thereto the following:

Resolved, That the President and Directors of the Union Bank of Tennessee, and the President and Direcrors of the Planters' Bank of Tennessee, be also requested forthwith to communicate to the Senate, the views of said Boards, respectively, whether in their opinions it would be for the interest and safety of said Banks forthwith to adopt the policy of issuing Post Notes, with a view of increasing their circulation; and what the probable effect would be upon the credit, currency, and safety of said Banks and their Branches, if Post Notes, payable in twelve months, were issued upon individual notes and bills discounted, to the amount of one million, or one half million of dollars, by each of said Banks; and whether said Post Notes would be likely to depreciate, and at what probable rate; and also the probable effect of such measure upon the business, public credit, and faith of the State.

Which being read,

Said amendment was adopted.

And the question upon the adoption of said resolution as amended, being had, was determined in the affirmative.

The Senate, on motion of Mr. Ledbetter, took up the consideration of a message from the House of Representatives, transmitting a resolution adopted by the House, directory to the Joint Select Committees appointed by the Senate and House of Representatives, to lay the State off into Congressional Districts, and Senatorial and Representative Districts.

Which being read,

Mr. Gardner moved a concurrence of the Senate in said resolution.

Yeas,	-	-	-	15
Nays,	-	-	-	7

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Foster, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Miller, Powell, Ross, Sevier, Warner, Waterhouse, and Mr. Speaker Turney—15.

DR. *State of the Bank of Tennessee and Branches, on the 30th day of September, 1842.* CR.

Discounted Notes,	2,213,745 62		Capital Stock, viz:		
Domestic Bills,	344,193 91		Proceeds sale State Bonds,	1,000,000 00	
Bills and Notes in suit,	611,573 22		School Fund,	801,505 13	
State Bonds Discounted,	267,000 00		Surplus Revenue,	1,353,209,55	
		3,437,117 75			3,154,714 68
Expense Account,	8,805 28		Treasurer of Tennessee,	93,892 83	
Real Estate at Branches,	103,035 90		Common School Fund,	102 08	
		111,841 18			93,994 61
Interest on State Bonds,	220,759 00		Sinking or Contin. Fund,	185,588 27	
Do. Int. Imp. Bonds,	156,737 89		Dividend Account,	217,722 56	
		377,487 89	Exchange Account,	10,551 67	
E. W. Dale and Securities,		36,600 17	Discounts received,	35,490 24	
Due from other Banks,	179,524 05		Interest Account,	13,931 27	
Branch Balances,	350,971 95		Damages,	3,505 38	
		530,495 90	Profit and Loss Account,	194,272 04	
Notes of other B'ks on h'nd,	165,016 00		Discounts off State Bonds,	55,000 00	
Gold and silver,	478,767 90				656,113 43
		643,783 90	Int. Improvement Dividend,		2,520 00
			Due to other Banks,	1,854 17	
		$5,137,326 79	Branch Balances,	165,735 72	
					167,589 89
			Circulation,	834,035 00*	
			Individual Depositors,	228,358 88	
					1,062,326 79
			JOSEPH W. HORTON, *Cashier.*		$5,137,326 42

*From this item should be deducted $157,533 Branch notes sealed up at Nashville and charged in item Branch Balances, leaving the actual outstanding circulation $676,196. The actual circulation 1st July was $677,149.

Which being read, was,
On motion of Mr. Laughlin,
Laid on the table.

Mr. Foster, Chairman of the Committee on the Judiciary, to whom had been referred

A bill to relieve the people by creating and regulating conventional interests, suppressing usury, and shaving notes.

Reports that said committee have had the same under consideration, and are of the opinion that the provisions contained in said bill are proper; that said committee have instructed him to report said bill and to recommend its passage.

Which being read, was,
On motion of Mr. Foster,
Laid on the table.
On motion of Mr. Ross,

The Senate adjourned until to-morrow morning, 9 o'clock, for the purpose of allowing further time for the several committees to meet for the transaction of business referred to their consideration.

FRIDAY, October 14, 1842.

The Senate was opened with prayer by the Rev. John T. Edgar, Pastor of the Presbyterian Church in the City of Nashville.

Mr. Speaker Turney presented the following communications from the Presidents of the Bank of Tennessee, the Union Bank of Tennessee, and the Planters' Bank of Tennessee, responsive to a resolution adopted by the Senate on the 10th inst., directory to the President and Directors of said Banks respectively, to wit:

Bank of Tennessee, Oct. 13, 1842.

Hon. Samuel Turney,
Speaker of the Senate,

Sir:—I have the honor to acknowledge the receipt of a resolution adopted by the Senate on the 10th inst., requesting the President and Directors of the Bank of Tennessee to communicate to your honorable body, first, whether in their opinion it would be for the interest and safety of the Bank and Branches, to adopt the policy of issuing Post Notes, with a view of increasing its circulation. Second, what the probable effect would be upon the currency and safety of the Bank and Branches, if Post Notes payable in 12 months were issued upon the individual notes and bills discounted, to the amount of one million of dollars, and whether the adoption of such a measure would endanger the ability of the Bank to pay the interest on the State debt, the annual appropriations to Common Schools, and other appropriations charged by law upon the institution; and third, whether said Post Notes would be likely to depreciate, and at what probable rate; and also, the probable effect they would have upon the business, public credit, and faith of the State?

In reply to the first portion of the resolution, I am instructed to inform you that the Directors of this Bank, after mature reflection, are entirely opposed to the policy of issuing Post Notes, and that they are

of opinion that it would be detrimental to the interest of the Bank, and involve it in such difficulty as would greatly endanger its safety.

As to the second part of the resolution, the Directors are of opinion that the sudden issue of so large an amount of Post Notes would materially affect the present sound currency—that the Post Notes would probably supercede the present circulation, force it upon the Bank for redemption, and drain the country of the greater portion of its specie. They are further of the opinion that Post Notes payable twelve months after date, could not be put in circulation except upon accommodation notes, on which no reliance could be placed to redeem the Post Notes at maturity. They also think it would unquestionably endanger the ability of the Bank to pay the interest on the State debt, and its other liabilities.

As to the third branch of the resolution, they are decidedly of opinion that such Post Notes would depreciate below the present standard from 15 to 25 per cent., according to the amount issued, and that they would operate injuriously on the business of the country, and impair the credit and faith of the State.

The Directors deem it unnecessary and improper to enter into an elaborate argument in support of the views they entertain on the subjects embraced in the resolution, but merely give their opinions without comment.

It is gratifying to the managers of this institution to state to your honorable body that, with the co-operation of the Stock Banks, it possesses the means necessary to facilitate the purchase and sale of the present abundant crop, by the purchase of short bills and the discounting of real transaction notes; but they are unable to increase the line of discounts on accommodation paper, and maintain specie payments. Nearly the whole of the capital of the Bank is now invested in this description of paper, which, however well secured, is almost useless to a bank in meeting its immediate liabilities.

I have the honor to remain, very respectfully, your obedient serv't,

WILLO. WILLIAMS,
President.

UNION BANK, October 14, 1842.

To the Honorable the Senate of the State of Tennessee:

The President and Directors of the Union Bank of the State of Tennessee respectfully acknowledge the receipt of a copy of a resolution of your Honorable body of the 10th inst., making certain inquiries.—The Board of Directors have had the same under consideration, and beg leave to submit the following reply.

This Board are unanimously of opinion that any considerable increase of their circulation by the issuance of Post Notes, would (at the present time) have a fatal effect on the credit of the Bank, as such increase would have to be based upon the discount of accommodation or real transaction paper, much of which would probably not be paid at maturity, and a large portion might be lost.

In obedience to the requisition of the Legislature at their last session, this Bank resumed specie payments on the 1st of August last, and al-

though it had to make some sacrifices to do so, yet the same has been effected successfully, and the Bank has established its credit both at home and abroad, and so far as they are informed, the confidence of the community has been restored, in their ability to meet all their engagements. This board are of opinion that a large emission of Post Notes, having a long term to run, would have a tendency to impair that confidence, that it would induce the holders of their present issues to demand a redemption of their whole circulation, and that it would all disappear and an irredeemable currency be substituted for it, in which the community would have no confidence, and also that that circulation, at the moment it should issue, would depreciate to at least fifteen per cent below specie, if designed for a home circulation, and if payable out of the State it would not be received except at a much larger discount.

At the present time the credit of this State in every part of the Union stands enviably high in the opinion of all capitalists; which opinion is based upon the fact that this State and her institutions have paid all demands upon them promptly, and also because they are satisfied from the caution heretofore exhibited, that the State will not increase their liabilities beyond the present amount. Whereas, if half a million of Post Notes were issued by each Bank, or any considerable sum, wtihout any fund provided for their redemption except the uncertain one of payment by those persons who had borrowed the money, (which all past experience has taught us cannot be relied upon,) the credit of the State would be destroyed, no confidence in her faith or ability to meet her engagements would be entertained, and the business of the whole community, with other States, would receive a blow from which it probably would not recover for many years.

This Board are, therefore, of opinion that the course contemplated ought not to be pursued, and that their duty to the Stockholders would prevent their giving it their assent.

Most respectfully, your obedient servant,

G. M. FOGG,
President pro tem.

PLANTERS' BANK TENNESSEE,
Nashville, Oct. 12, 1842.

TO HON. SAMUEL TURNEY,
Speaker of the Senate:

SIR—The resolutions adopted by the Senate on the 10th inst., requesting the opinion of this bank in relation to the policy of issuing Post Notes payable in 12 months for circulation, were considered by the Board of Directors at their meeting this morning, and I am directed to state in reply, that they are unanimous in the opinion that it will not be for the interest of this bank to issue Post Notes with a view to increase its circulation. If the amount contemplated was issued upon individual notes and bills discounted, it is believed these notes and bills could not, with safety, be relied upon to meet the Post Notes, and the effect upon our present sound and healthy currency would be its immediate withdrawal from circulation and the substitution of a depreciated paper currency of uncertain and fluctuating value. The probable rate of depre-

ciation would be from 15 to 25 per cent—depending upon the amount issued. It is believed that the effect of the measure would be the return to a depreciated paper currency of a more objectionable character than that which has hitherto existed in the State, and it would also be productive of much injury to the banks, and to individual and public credit, and greatly impair the value of the State Bonds.

Entertaining these opinions the Directors of this Bank cannot consent to issue Post Notes for circulation.

Very respectfully, your obedient servant,

M. WATSON,
President.

Which communications being severally read,

Mr. Laughlin moved that one hundred copies of said communications be printed for the use of the Senate.

Mr. Warner moved that two thousand copies thereof be printed for the use of the Senate.

The ayes and nays, on motion of Mr. Warner, being demanded, was determined in the negative.

Yeas,	9
Nays,	15

The affirmative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Powell, Ross, and Warner—9.

The negative voters were,

Messrs. Ashe, Bradberry, Frey, Jennings, Ledbetter, Martin, Miller, Munford, Nelson, Peyton, Reneau, Sevier, Waterhouse, Williams, and Mr. Speaker Turney—15.

So said motion was rejected.

Mr. Powell moved that twelve hundred and fifty copies of the said communications of the President of the Bank of the State, the Union Bank, and Planters' Bank be printed for the use of the Senate.

Mr. Bradberry moved to lay said motion on the table.

Which being considered of by the Senate,

Said motion prevailed.

On motion of Mr. Bradberry,

The several communications made by the President of the Bank of the State, the President of the Union Bank, and the President of the Planters' Bank, was referred to the Joint Select Committee on Relief.

Mr. Hardwicke in the Chair.

Mr. Foster, Chairman of the Committee on the Judiciary, to whom had been referred

A bill to relieve the people by changing the Judiciary system.

Reports that said committee have had the same under consideration, and have instructed him to report a bill on the subject of relief, in lieu

of the whole bill referred to them, after the enacting clause, and to recommend its passage.

Which report being read,

On motion of Mr. Foster,

The Senate concur therein.

Which bill, as amended, was read a second time and passed.

On motion of Mr. Turney,

It is ordered that one hundred copies of said bill, as amended, be printed for the use of the Senate.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker:—I am directed by the House of Representatives to transmit to the Senate certain petitions and memorials transmitted by His Excellency the Governor of the State to the House, by John S. Young, Secretary of State for the State of Tennessee.

And then he withdrew.

The Senate, on motion of Mr. Gardner, took up the consideration of a message from the House of Representatives transmitting certain petitions and memorials addressed to His Excellency the Governor of the State, by numerous citizens of the State of Tennessee, upon and relating to the pecuniary embarrassments of said petitioners and memorialists.

Which being read, was,

On motion of Mr. Gardner,

Referred to the Joint Select Committee on Relief.

On motion of Mr. Ledbetter,

It is ordered that "a bill to relieve the people by changing the Judiciary system," upon its third and last reading in the Senate be made the order of the day for Tuesday next.

Mr. Powell returned

A bill to abolish imprisonment for debt;

By him withdrawn for amendment, with the following amendment thereto in lieu of the whole bill after the enacting clause, to wit:

That all laws now in force in this State, authorising the issuance of any writ of *capias ad satisfaciendum*, be, and the same are hereby repealed; *provided*, that in all cases where the plaintiff in any judgment, his agent or attorney, shall make oath that the defendant is removing from the State, with his property, to avoid the payment of his debts, then, and in that case, it shall be lawful for such writ to issue.

Sec. 2. *Be it enacted*, That no writ of *capias ad respondendum* shall issue in any suit at law; *provided*, that in all cases where the plaintiff, his agent, or attorney, shall make oath that the defendant is removing with his property, from the State, it shall be lawful for such writ to issue, and the defendant shall then be held to bail as heretofore, and if the plaintiff shall obtain a judgment in such suit, and the defendant shall have removed from the State, it shall be lawful for the plaintiff to obtain a writ of *capias ad satisfaciendum*, upon which the same proceedings may be had against such defendant and his bail, as may be had under the laws now in force. And, *provided further*, that it shall be lawful for the court in which such suit is brought, at any time to rescind, or alter, or modify any order that may be made, holding a defendant to bail.

SEC. 3. *Be it enacted*, That in all cases where a debtor or defendant in any suit or judgment, is removing, or about to remove himself or his property beyond the limits of this State, or shall be absconding, or concealing himself, or his property, it shall be lawful for the creditor, or other person entitled to sue, to obtain an attachment against the property, debts, *choses in action*, and other effects of such debtor, in the same manner as such process may be obtained against absconding, or non-resident debtors, under the different statutes now in force in this State, and the same proceeding may be had as in other cases of attachment, and in case the plaintiff be a judgment creditor, he shall be entitled to the same decree upon his attachment, bill, as though an execution had issued and had been returned no property found.

SEC. 4. *Be it enacted*, That the oath required to be taken under the first and second sections of this act, shall be in writing, signed by the person taking such oath; and if the defendant shall deny, on oath, the statements contained in said affidavit, he shall be discharged from custody, and if held to bail, the order directing the same shall be vacated, unless the plaintiff shall prove to the satisfaction of the court, by disinterested testimony, the truth of his affidavit.

And on motion of Mr. Powell,

Said bill with the amendment thereto, was laid on the table.

On motion of Mr. Gardner,

Further time until Monday, the 17th inst, is given to the Committees on Congressional, Senatorial, and Representative Districts for the bringing in of the reports of said committees, respectively.

On motion of Mr. Gardner,

The Senate adjourned until Monday morning, 10 o'clock, for the purpose of affording further time to the several committees, created by the Senate, to consider of such matters as may have been referred to them, &c.

MONDAY, OCTOBER 17, 1842.

The Senate was opened with prayer, by the Rev. R. B. C. Howell, Pastor of the Baptist Church, in the city of Nashville.

Mr. Gardner introduced

A bill to amend an act entitled "an act to provide for the payment of two hundred thousand dollars to East Tennessee and the Western District, in full discharge of their claim against the State, for River Bonds, under the act of 1837—8, and for other purposes, passed the day of 1842, chapter 77."

Which was read a first time and passed.

And on motion of Mr. Gardner,

Was referred to the Committee on Internal Improvements.

Mr. Hardwicke in the chair.

The Senate, on motion of Mr. Turney, took up the consideration of

A bill to relieve the people, by authorising the several Banks in this State, to issue notes of the denomination of one dollar and upwards.

Which was read a third and last time,

And the question upon the passage of said bill being had, was determined in the negative.

Yeas,	7
Nays,	11

The affirmative voters were,

Messrs. Ashe, Bradberry, Frey, Munford, Nelson, Sevier, and Mr Speaker Turney—7.

The negative voters were,

Messrs. Gardner, Hardwicke, Jennings, Johnson, Laughlin, Martin, Matthews, Powell, Ross, Waterhouse, and Williams—11.

So said bill was rejected.

Whereupon, Mr. Jennings moved a reconsideration of said vote, rejecting said bill.

On motion of Mr. Bradberry,

The Senate adjourned until to-morrow morning, 9 o'clock, for the purpose of affording further time to the respective committees, created by the Senate, to consider further of such matters as may have been referred to their consideration.

TUESDAY, October 18, 1842.

The Senate was opened with prayer, by the Rev. R. B. C. Howell, Pastor of the Baptist Church, of the city of Nashville.

Mr. Matthews presented a petition from sundry citizens of the county of Lawrence, on the subject of the pecuniary embarrassments of the country, and praying for relief.

Which being read, was,

On motion of Mr. Matthews,

Referred to the Joint Select Committee on Relief.

Mr. Foster, Chairman of the Joint Select Committee on Relief, to whom had been referred,

A bill to establish two terms of the Circuit Court, to diminish expenditures in the administration of Justice, and for other purposes.

Reports, that said Committee have had the same under consideration, that said committee had instructed him to report said bill with the following amendment, to wit:

Sec. 8. *Be it enacted*, That all executions that shall have been issued by Justices of the Peace, shall be returned within sixty days from the date of issuance of such executions before the Justice issuing the same, or the Justice having possession of the judgment, under the same rules, regulations, and penalty, as is now prescribed by law, for the return of executions by Justices of the Peace; and with said amendment to recommend the passage of said bill.

Which being read,

On motion of Mr. Foster,

Said report was laid on the table.

Mr Waterhouse introduced

A bill to relieve the people by regulating sales under deeds of trust.

Which being read a first time and passed.

The Senate, on motion of Mr. Laughlin, took up the consideration of

A bill to abolish all laws authorising imprisonment for debt.

Which being read,

And the question recurring upon the adoption of the amendment offered by Mr. Powell, in lieu of the whole bill.

Which being read and considered of by the Senate, said amendment was adopted.

On motion of Mr. Peyton,

It is ordered that twenty-five copies of said bill be printed for the use of the Senate, when,

On motion of Mr. Peyton,

Said bill was laid on the table.

Mr. Peyton presented a memorial from the citizens of Sumner county, through Brigadier General James L. McCain, on the subject of the pecuniary embarrassments of the country, praying such relief as the General Assembly may be pleased to adopt; and staying the issuance of writs of execution for one year.

Which being read, was,

On motion of Mr. Peyton,

Ordered to be transmitted to the House of Representatives.

The Senate, on motion of Mr. Waterhouse, took up the consideration of a resolution submitted by Mr. Johnson, proposing that the basis to be observed in laying off the State into Congressional Districts, shall be the voting population without regard to the three fifths of the slave population.

Which being read,

And the question upon the adoption of said resolution being had, was determined in the negative.

Yeas, - - - - -	3
Nays, - - - - -	22

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Johnson, Waterhouse, and Mr. Speaker Turney—3.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Munford, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, and Williams—22.

So said resolution was rejected.

On motion of Mr. Gardner,

The Senate adjourned until to morrow morning, 9 o'clock, to afford further time for the coming in of the reports of the several committees, created by the Senate, upon the various subjects referred to their consideration.

WEDNESDAY, October 19, 1842.

The Senate was opened with prayer, by the Rev. John T. Edgar, Pastor of the Presbyterian Church, in the City of Nashville.

Mr. Gardner, Chairman of the Joint Select Committee, on Ssnatorial snd Representative districts, in the State of Tennessee, to whom it had been referred, to report a bill laying off the State into Senatorial and Representative Districts; reports that said committee have had the same under consideration, and have directed him to report

A bill to apportion the representation in the General Assembly of the State of Tennessee, and to recommend its passage.

Which bill was read a first time and passed.

Whereupon, Mr. Warner moved that twenty-five copies of said bill be printed for the use of the Senate,

Which motion Mr. Warner afterwards withdrew.

Mr. Martin renewed the motion to print said bill.

Which being considered of by the Senate,

Said motion prevailed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. President: I am directed to transmit to the Senate, a resolution of the House of Representatives, proposing that this General Assembly adjourn on the 31st instant, *sine die*; in which they ask the concurrence of the Senate.

And then he withdrew.

Mr. Foster, Chairman of the Joint Select Committee on Relief, to whom had been referred the petition of sundry citizens of Overton county, praying this General Assembly to abolish the law of writs of execution, have had the same under consideration; reports that said Committee had directed him to report that said petition is unreasonable, that it would be improper, injurious, and impolitic, to enact such a law, and had directed him to recommend its rejection.

Which being read;

The Senate concur therein.

Mr. Hardwicke in the Chair.

The Senate, on motion of Mr. Turney, took up the consideration of

A bill to change the time of holding the Circuit Courts in the State of Tennessee, and for other purposes.

Which bill was; on motion of Mr. Turney, referred to the Committee on the Judiciary.

The Senate, on motion of Mr. Turney, took up the consideration of a motion to reconsider the vote of the Senate on the 17th instant, rejecting

A bill to relieve the people, by authorising the several Banks in this State, to issue notes of the denomination of one dollar, and upwards.

Which being considered of by the Senate,

Said motion to reconsider prevailed.

Which bill was read a third and last time,

When Mr. Foster moved to amend said bill, by inserting therein, after the words "The Bank of Tennessee," in the third line of the first

section, the words "and Branches be, and they are hereby authorised to issue and put into circulation, such an amount of notes, under the denomination of ten dollars, and not less than one, as they may deem expedient: *provided*, that the amount so issued, shall be divided between the Bank and Branches, in proportion to their respective capital.

Which being read, when

Mr. Powell offered the following amendment in lieu of the amendment proposed by Mr. Foster: *provided*, That the Bank of Tennessee shall be authorised to issue notes at the discretion of the President and Directors, of the denomination of five, and upwards, as they may deem expedient, and the emission under the priviso, shall be distributed between the principal Bank and Branches, in proportion to their capital.

Which being read,

And the sense of the Senate, upon the adoption of said amendment in lieu of the amendment proposed by Mr. Foster, being had, said amendment was rejected.

And the question recurring upon the adoption of the amendment proposed by Mr. Foster, was had, and determined in the affirmative.

Mr. Foster moved further to amend said bill, by inserting therein, after the words "to their respective capital, and" the following words, to wit: "that the several Stock Banks in the State of Tennessee, to wit: the Planters' Bank of Tennessee, the Union Bank of Tennessee, and the Farmers' and Merchants' Bank of Memphis, shall have the right, and are hereby permitted to issue and put into circulation, bills of the denomination of one dollar, and upwards, to the denomination of five dollars, to an amount expedient and necessary to the present relief of the community, in the discretion of the President and Directors of the several Banks respectively; *provided*, however, that the right and power by this act given to said Stock Banks shall not be taken, deemed, or construed, as an additional grant of power to the corporated rights and powers of said Banks respectively but in the use and exercise of the right and power by this act given, said Stock Banks shall be subject to the action of this General Assembly, who may, at any time, alter, rescind, repeal, or amend, the right and power by this act given to said Stock Banks."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

Yeas, - - - - -	14
Nays, - - - - -	11

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Martin, Miller, Munford, Nelson, Peyton, Reneau, Sevier, and Mr. Speaker Turney—14.

The negative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Powell, Ross, Warner, Waterhouse, and Williams—11.

So said amendment was adopted.

And said bill, as amended, was read a third and last time.

And the question upon the passage of said bill was had and determined in the affirmative.

Yeas,	14
Nays,	11

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Martin, Miller, Munford, Nelson, Peyton, Reneau, Sevier, and Mr. Speaker Turney—14.

The negative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Powell, Ross, Warner, Waterhouse, and Williams—11.

So said bill, as amended, was passed upon its third and last reading in the Senate, and ordered to be engrossed.

Ordered, That the clerk announce to the House of Representatives the passage of said bill, and ask a concurrence therein.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker:—I am directed to announce to the Senate that the House of Representatives have taken up and considered a resolution adopted by the Senate, directory to the Attorney General for the State of Tennessee, in relation to a petition filed in the Supreme Court in the city of Nashville, praying writs of *scire facias* against the President, Directors, and Company of the Union Bank of Tennessee, the President, Directors, and Company of the Planters' Bank of Tennessee, and concur therein.

And then he withdrew.

Mr. Foster, Chairman of the Joint Select Committee on Relief, to whom had been referred a resolution directory to said committee, submitted the following report, to wit:

The Joint Select Committee on the subject of relief, to whom, by order of the House, was referred a resolution directory to said committee, "to inquire into the expediency of passing some law authorising the redemption of personal property sold under execution," have had the same under consideration, and beg leave to report—That after bestowing upon the subject that consideration which its interest to the community demands, the Committee are of opinion that a law subjecting personal property, sold under execution, to redemption, would not only be inexpedient, but productive of the increased sacrifice of such property at sale, without benefit to the debtor. The past legislation of the State upon the subject, and the experience of the effect of that legislation sustains and justifies this opinion of the committee. In the year 1820

the General Assembly, by law, subjects slaves sold under execution to redemption, the policy and the expediency of which law was tested by the experience under its operation for five years. This experience well satisfied the community that the effect of the law was to diminish the value of property, and to deprive the unfortunate debtor of the property at an increased sacrifice, without any resulting good or benefit; and this experience convinced the community that the effect of such a law was to some extent to increase litigation and to involve the debtor in new liabilities without any good or benefit resulting therefrom. After the sale of the property the purchaser had the right to the use and possession thereof, and the debtor had the right to redeem it in the time limited by law. Now to secure the property within the jurisdiction of the Court, to be subject to redemption in the limited time, the debtor not unfrequently filed his bill to restrain the purchaser from removing the property beyond the jurisdiction of the Court, in the time limited for redemption. Such, your committee are satisfied, would be the effect and operation of such a law, if now enforced. In 1825 the General Assembly repealed the act of 1820, from which time up to the present your committee are not aware of any desire on the part of the people, or of any effort on the part of the legislature to re-enact said law. The resolution is indefinite as to the kind of personal property to be redeemed, and therefore must be considered as embracing all kind of personal property. Without the light of experience, or the benefit of the wisdom of others, it must be conceded by all that a law securing the redemption of all kinds of personal property would operate to the injury of the debtor as well as the creditor. A man desirous to purchase live stock could not be induced, at any price, to bid for the same, subject to redemption, because the consumption by and through such property would, in many, if not all instances, exceed the profit of the labor, or the use of possession of such property. At the sale of property under execution the purchaser is induced to buy, either because of the immediate want of the article, or from the expectation of realizing profit by the re-sale thereof. If such sales are encumbered with the right of redemption neither of the above inducements can exist to purchase property, because the right of redemption would at any time deprive the purchaser of the use and possession of the property; and because the right of redemption would compel the purchaser or his vendee to retain the property in the time limited for redemption, subject during that period to death or other casualty, at his risk, without a benefit equivalent to that risk. However anxious your committee may be, as they really are, to devise some legal and constitutional means to prevent loss and ruin to the unfortunate debtor, in the sacrifice of his property, they are constrained to the opinion that a law providing for the redemption of personal property at execution sale is impolitic and injurious. All of which is respectfully submitted.

ROB'T. C. FOSTER, Jr.,
Chairman on part of the Senate.
ROB'T. W. H. BOSTICK,
Chairman on part House of Rep.

Which report being read, was,
On motion of Mr. Foster,
Laid on the table.

The Senate, on motion of Mr. Turney, adjourned until to-morrow morning, 9 o'clock, to afford further time for the coming in of the reports of the respective committees, upon the various subjects referred to them respectively.

THURSDAY, October 20, 1842.

The Senate was opened with prayer, by the Rev. R. B. Howell, Pastor of the Baptist Church, of the City of Nashville.

Mr. Ashe presented a memorial from sundry citizens of the Western District, praying an alteration in the law appropriating one hundred thousand dollars for the improvement of the navigation of the rivers in said District, recommending a more economical mode in the expenditure of said money.

Which being read, said memorial was,
On on motion of Mr. Ashe,
Ordered to be transmitted to the House of Representatives.

Mr. Powell, Chairman of the Joint Select Committee, to whom had been referred "a bill to amend an act entitled an act to provide for the payment of two hundred thousand dollars to East Tennessee and the Western District, in full discharge of their claim against the State for River bonds, under the act of 1837–8, and for other purposes," passed the ——— of ——— 1842, chap. 77,—Reports that said committee have had the same under consideration, and had directed him to report said bill with the following amendment, after the following words in the second section of said bill, to wit: "for Sandy river in the Western District," the words following: "that James Kirkpatrick and Samuel Moore of Anderson county, and John Ballard of Grainger county, be, and they are hereby appointed a Board of Commissioners for Clinch river.

That and of Claiborne county, and Wm. Richardson and John Archer of Campbell county, be, and they are hereby appointed a Board of Commissioners for Powell's river.

That Joseph Spurgean and be, and they are hereby appointed a Board of Commissioners for the Holston river.

That Elijah Embree and be, and they are hereby appointed a Board of Commissioners for Nola Chucky river.

That James J. Tipton, Noah Dancils, and be, and they are hereby appointed a Board of Commissioners for Watauga river.

That be, and they are hereby appointed a Board of Commissioners for Hiwassee river.

And with said amendment to recommend the passage of said bill.

Which report being read the Senate concur therein.

And said bill, as amended, was read a second time and passed.

Mr. Frey, Chairman of the Committee on Enrolments, reports as correctly enrolled

A resolution directory to the Attorney General of the State, to dismiss certain proceedings on behalf of the State against the Union Bank of Tennessee and the Planters' Bank of Tennessee.

Which resolution was signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives for the signature of the Speaker.

Mr. Laughlin introduced

A bill to authorize the withdrawal of the State subscription and the cancelling of the State Bonds issued to the Charleston, Cincinnati, and Louisville Railroad Company.

Which was read a first time and passed.

Mr. Johnson, Chairman of the Joint Select Committee on laying out the State of Tennessee in Congressional Districts, to whom had been referred a joint resolution of both Houses of the General Assembly, with instructions to lay off the State into Representative Districts to the Congress of the United States—Reports that said committee have had the same under codsideration—that said committee had instructed him to report two bills laying off the State of Tennessee into Congressional Districts, after the following manner, to wit:

That portion of the committee appointed and denominated Whigs had instructed him to report a bill entitled "a bill to divide the State of Tennessee into Districts for the election of Representatives to the Congress of the United States."

That portion of said committee appointed and denominated the Democratic portion thereof had instructed him to report a bill entitled "a ill to lay off the State of Tennessee into Congressional Districts."

Which bills are most respectfully reported and submitted to the conideration of the Senate.

Whereupon said bills so reported were severally read a first time and passed.

Mr. Laughlin moved that twenty-five copies of the respective bills so reported, be printed for the use of the Senate.

And the question upon the motion of Mr. Laughlin on the printing of said bills, was had and determined in the affirmative.

Yeas,	14
Nays,	10

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney—14.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Ledbetter, Nelson, Peyton, Reneau, Sevier, and Williams—10.

So said motion prevailed.

The Senate, on motion of Mr. Johnson, took up the consideration of a message from the House of Representatives transmitting a resolution adopted by the House, proposing that this General Assembly adjourn on the 31st inst., *sine die.*

Which being read,

Mr. Hardwicke moved to amend said resolution by striking out the figures "31st," and inserting in lieu thereof the figures "24th," and with said amendment moved that the Senate concur therein.

Whereupon Mr. Powell moved that said message, with the amendment proposed, and motion to concur in said resolution as amended, be laid on the table.

And the question upon the motion of Mr. Powell to lay said message with the amendment to said resolution, and motion to concur therein as amended, upon the table, being had was determined in the affirmative.

Yeas,	18
Nays,	6

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, Maclin, Miller, Peyton, Powell, Reneau, Ross, Sevier, Warner, Williams, and Mr. Speaker Turney—18.

The negative voters were,

Messrs. Frey, Johnson, Martin, Matthews, Nelson, and Waterhouse —6.

So said motion to lay said resolution on the table prevailed.

The Senate, on motion of Mr. Matthews, took up the consideration of

A bill to give further time for the different Sheriffs to pay over the county revenue.

Which being read a second time,

Mr. Ledbetter moved to amend said bill by adding thereto the following, to wit:

SEC. 3. *Be it enacted*, That this act shall be in force until the first Monday in the year eighteen hundred and forty-four, and no longer.

Which being read,

And considered of by the Senate,

Said amendment was adopted.

And said bill as amended, was read a second time and passed.

The Senate, on motion of Mr. Ledbetter, took up the consideration of

A bill to relieve the people, by creating and regulating conventional interest, to suppress usury and the shaving of notes, upon its second reading in the Senate, when,

On motion of Mr. Ledbetter,

The Senate resolved itself into a Committee of the whole, upon the consideration of said bill.

Mr. Frey in the Chair.

And after some time spent thereon, when,
On motion of Mr. Turney,
The Committee rose, with leave to meet again at 2 o'clock, P. M.

EVENING SESSION.

The Senate, in Committee of the whole, resumed the consideration of the unfinished business of the morning, being the consideration of

A bill to relieve the people, by creating and regulating conventional interest, to suppress usury and the shaving of notes.

And further time being spent in consideration of said bill, when,
On motion of Mr. Martin,
The Committee rose, and the Chairman reported the extent of progress made, asked for, and obtained leave for said Committee to meet again for further consideration of said bill, on to-morrow morning, 9 o'clock.
On motion of Mr. Williams,
The Senate adjourned until to-morrow morning, 9 o'clock.

FRIDAY, October 21, 1842.

The Senate was opened with prayer, be the Rev. R. B. C. Howell, Pastor of the Baptist Church, in the city of Nashville.

The Senate, on motion of Mr. Laughlin, took up the consideration of

A bill to authorise the withdrawal of the State subscription, and the cancelling of the State Bonds, issued to the Charleston, Cincinnati, and Louisville Rail Road Company.

Which was read, and,
On motion of Laughlin,
Was laid on the table.

The Senate, on motion of Mr. Matthews, took up the consideration of

A bill to give further time to the different Sheriff's to pay over the county revenue.

Which was read a third and last time.

And the question Shall the bill pass? being had, was determined in the negative.

Yeas, - - - -	11
Nays, - - - - -	13

The ayes and nays being demanded,

The affirmative voters were,

Messrs Bradberry, Hardwicke, Jennings, Laughlin, Lellbetter, Matthews, Peyton, Reneau, Sevier, Warner, and Waterhouse—11.

The negative voters were,

Messrs. Ashe, Frey, Gardner, Johnson, Maclin, Martin, Miller, Manford, Powell, Ross, Williams, and Mr. Speaker Turney—13.

So said bill was rejected.

Mr. Williams returned

A bill to provide for the redemption of slaves, and other personal property; by him withdrawn for amendment, with the following amendment, in lieu of the whole bill, after the enacting clause, to wit:

SEC. 1. That it shall and may be lawful, for any debtor, whose interest in any slave or slaves, or other personal property, may hereafter be sold under execution, at any time within sixty days after such sale, on payment, or tender thereof, to any one claiming under such purchaser, of the principal sum bid at such sale, with ten per cent. interest thereon, together with all such other lawful charges, if any there be, to redeem the interest that may have been sold, whether the same may be an interest in slaves, or other personal property; and upon the payment or tender thereof, as aforesaid, it shall be the duty of the claimant, at the time of such redemption, to re-convey such interest, or redeliver such property to said debtor, or other person redeeming the same, as hereinafter provided, but at the cost and charge of the party so redeeming said property.

SEC. 2 *Be it enacted*, That in all cases hereafter, when a creditor shall have purchased slaves or other personal property, sold under execution for his own debt, and such property shall be redemed by the debtor under the preceeding section of this act, the same shall not be subject again to seizure and sale, for the satisfaction of the same debt, until after the expiration of twelve months, from the date of the first sale.

SEC. 3. *Be it enacted*, That when it shall hereafter happen that any interest in slaves, or other personal property, shall be sold at any execution sale, and the individual whose interest is so sold, shall have other *bona fide* creditors, whose debts are not secured or paid, such *bona fide* creditors may, at any time within sixty days after such sale, redeem the interests in such slaves, or other personal property, as may have been sold, from the purchaser, or from any one claiming under him, and on the payment or tender of so much money, of the description given by said purchaser, as was bid for said slaves, or other personal property, at said execution sale, and such further sum as shall be equal to ten per cent. on the purchase money, and shall further offer and agree to credit the person whose estate was sold, with the further sum of twenty per cent. or more on the bid at execution sale: *provided*, that it shall and may be lawful for any other *bona fide* creditor of him whose estate has been sold at execution sale, to redeem from any *bona fide* creditor who may have previously redeemed from the purchaser at execution sale, upon the same terms, and under the same rules and regulations herein provided for a *bona fide* creditor to redeem from the purchaser.

SEC. 4. *Be it enacted*, That in all cases wherein the property sold, from its nature and unfitness for immediate use, is likely to become a charge upon the purchaser, during the period in which it may be redeemed, which charges, it is provided in this act shall be paid by the redeeming debtor, it shall and may be lawful for such debtor to give to the officer selling such property, bond and security for the delivery of

the same, on the last day in which such property is subject to redemption, under the provisions of this act, and such bond shall be taken under the same rules and regulations, and be subject to the same proceedings therein as is now prescribed by law, in cases of bonds given for the delivery of property to be sold under execution; *provided*, if no such bonds be given, the purchaser shall be allowed the same compensation for keeping the property that is now allowed by law to sheriff's.

SEC. 5. *Be it enacted*, That this act shall be in force for two years from and after its passage, and no longer.

Which being read,

Mr. Laughlin moved to amend said amendment by adding to the 5th section, the following proviso, in the following words, to wit:

Provided, That in all cases, under the provisions of this act, where the debtor fails or is enabled to give security for the forthcoming of negroes, or other property as before provided, it shall be the duty of the purchaser, before taking possession of the negroes, or other propert by him purchased, to give bond and security to keep the negroes or property by him purchased, within the county where the sale is made, subject to be redeemed as herein provided, and the officers making such sales shall take bonds herein provided, payable to the parties entitled to the benefit of the same.

Which being read, and considered of by the Senate,

Said amendment was adopted.

And said bill, as amended, being read,

And the question upon the adoption of said bill, in lieu of the original bill, from the enacting clause, being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Martin moved to amend the caption of said bill, by adding thereto, the following words, to wit: "and to reduce the value thereof."

Which being read, when,

Mr. Martin afterwards asked, and obtained leave to withdraw said amendment.

Mr. Martin moved the indefinite postponement of said bill.

And the question thereupon being had, was determined in the negative.

Yeas, - - - -	4
Nays, - - - -	20

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Martin, Matthews, Ross, and Warner—4.

The negative voters were,

Messrs. Ashe, Bradberry, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Miller, Munford, Nelson, Peyton, Powell, Reneau, Sevier, Waterhouse, Williams, and Mr. Speaker Turney—20.

So said motion to indefinitely postpone said bill was rejected.

And said bill, as amended, was read a second time and passed.

Mr. Martin moved a reconsideration of the vote of the Senate, this day, rejecting upon its third and last reading, "a bill to give further time to the different sheriff's to pay over the county revenue."

Which being considered of by the Senate,

Said motion prevailed.

Whereupon, Mr. Waterhouse offered an amendment in lieu of the original bill, after the enacting clause.

Which being read,

On motion of Mr. Matthews,

Said bill, with the amendment proposed by Mr. Waterhouse, was laid on the table.

Mr. Johnson moved to take up the consideration of a message transmitting a resolution adopted by the House of Representatives, proposing that this General Assembly adjourn on the 31st instant, *sine die.*

And the question upon taking up the consideration of said resolution, was had, and determined in the negative.

Yeas, - - - -	8
Nays, - - - -	15

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Frey, Johnson, Martin, Munford, Nelson, Waterhouse, and Williams—8.

The negative voters were,

Messrs. Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, Maclin, Matthews, Miller, Peyton, Powell, Reneau, Ross, Sevier, Warner, and Mr. Speaker Turney—15.

So the Senate refused to take up the consideration of said resolution.

The Senate, on motion of Mr. Waterhouse, took up the consideration of

A bill to relieve the people, by regulating sales under deeds of trust.

Which bill was read a second time and passed.

And said bill, was, on motion of Mr Peyton, referred to the Committee on the Judiciary.

Mr. Bradberry introduced

A bill to authorise the County Courts of Henderson, Dickson, Perry, and Hardeman counties, to make such disposition of the Internal Improvement funds belonging to said counties, as to them shall seem proper.

Which bill was read a first time aud passed.

On motion of Mr. Martin,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate, on motion of Mr. Powell, took up the consideration of

A bill to abolish imprisonment for debt.

Which being read, was,

On motion of Mr. Martin,

Laid on the table.

Mr. Williams introduced

A bill to relieve the people of this State, by amending an act passed July 28th, 1820, chap. 11, entitled "an act to prevent a sacrifice of real estate, and for other purposes."

Which bill was read a first time and passed.

The Senate, on motion of Mr. Powell, took up the consideration of

A bill to give further time to the different sheriff's to pay over the county revenue.

Which being read,

Mr. Powell moved to amend said bill, by adding thereto, at the end of the third section of said bill, the following proviso, to wit:

Provided, That the securities of the said sheriff's shall come into open court at any time before the first Monday in December next, and fully and unconditionally, give their assent to the indulgence or further time allowed by this act to sheriff's to pay over the county revenue, or, *provided*, said sheriff shall give such other and sufficient security, as shall be satisfactory to the court.

Which being read, when

Mr. Waterhouse asked and obtained leave to withdraw the amendment by him submitted, in lieu of the original bill, after the enacting clause.

And the question upon the adoption of the amendment proposed by Mr. Powell, being had, was determined in the affirmative.

So said amendment was adopted.

And said bill as amended, was read a third and last time,

And the question recurring upon the passage of said bill was had, and determined in the affirmative.

Yeas, - - - -	16
Nays, - - - -	8.

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Martin, Matthews, Miller, Peyton, Powell, Reneau, Sevier, Warner, and Waterhouse—16.

The negative voters were,

Messrs. Frey, Gardner, Maclin, Munford, Nelson, Ross, Williams, and Mr. Speaker Turney—8.

So said bill was passed on its third and last reading, and was ordered to be engrossed, and transmitted to the House of Representatives.

Mr. Hardwicke submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the Treasury audit, and the Treasurer pay to Benjamin Adams, a constable of Dickson county, the sum of eighty-nine dol-

lars and ninety-two cents, for his fees and expenses in keeping and guarding James Etheridge and John McLain, upon a warrant for murder.

Which being read,

On motion of Mr. Hardwicke,

The rule requiring resolutions to lie over one day, being suspended, when,

Mr. Jennings moved that said resolution be referred to the Committee on Claims.

And the question of reference to the Committee on Claims of said resolution, being had, was determined in the negative.

So said motion to refer, was rejected, when,

Mr. Hardwicke moved the adoption of said resolution.

And the question thereupon being had, was determined in the negative.

Yeas, - - - - -	1
Nays, - - - - -	22

The ayes and nays being demanded,

The affirmative voter was

Mr. Hardwicke.

The negative voters were,

Messrs. Ashe, Frey, Gardner, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Munford, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney—22.

So said resolution was rejected.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The Speaker of the House of Representatives did this day sign the following enrolled resolution, to wit: "A Resolution directing the Attorney General to dismiss certain proceedings on behalf of the State, against the Union Bank of Tenneseee, and the Planters' Bank of Tennessee;" which I am directed to transmit to the Senate.

And then he withdrew.

Which enrolled resolution the Speaker of the Senate directed to be deposited in the office of the Secretary of State, for the State of Tennessee.

On motion of Mr. Williams,

The Senate adjourned until to-morrow morning, 9 o'clock.

SATURDAY, OCTOBER 22, 1842.

The Senate was opened with prayer, by the Rev. R. B. C. Howell, Pastor of the Baptist Church, of the city of Nashville.

Mr. Nelson, Chairman of the Committee on Internal Improvements, to whom had been referred

A bill to reduce the public debt of this State, by accepting the proposition of South Carolina, in relation to the Louisville, Cincinnati, and Charleston Rail Road Company; reports that said Committee have had the same under consideration, and are of opinion, that the provisions contained in said bill, are wise, proper, and in accordance with the policy that should be pursued by the State, in relation to said road; that said Committee had instructed him to report said bill, and to recommend its passage.

Said bill was read a first time and passed.

Mr. Foster, Chairman of the Joint Select Committee on Relief, to whom had been referred

A bill to extend the prison bounds to the limits of the different county lines; reports that said Committee have had the same under consideration, and deem its provisions proper and expedient, and that said Committee had instructed him to report said bill, and to recommend its passage.

Which bill was read a third time, when,

On motion of Mr. Foster,

Said bill was laid on the table.

Mr. Hardwicke in the Chair.

The Senate, on motion of Mr. Martin, took up and considered

A bill to abolish imprisonment for debt.

Which bill was read a third and last time, when

Mr. Foster moved to amend said bill, by striking out the whole of said bill, after the enacting clause, and inserting in lieu thereof the following, to wit:

SEC. 1. That when any person or persons shall be arrested by a *capias ad respondendum*, issuing from any Court of record, or by any Justice of the Peace, or shall be arrested by a *capias ad satisfiendum*. that shall have issued from any Court of record, or by any Justice of the Peace, it shall be the duty of the officer serving such prosess, if desired by the defendant or defendants, to take the body of the said defendant or defendants before any Judge of the Circuit Court out of Court, or any Justice of the Peace of the county wherein said process shall have been executed, whether the same issue from a Court of record or from a Justice of the Peace; and if said defendant or defendants, shall, by affidavit, in writing, sworn to before such Judge out of court, or Justice of the Peace, deny the truth of the facts stated in the affidavit of the plaintiff, whereby such process issued, it shall be the duty of the Judge or Justice of the Peace, to discharge the defendant or defendants, unless the plaintiff or plaintiffs, shall verify by other legal and disinterested testimony, the truth of the facts stated in his or their affidavit, which discharge shall be by the Judges or Justice of the Peace entered upon the process, which, with the affidavit of the defendant shall be returned by the officer, to the court from which the processs issued; but if the Judge or Justice shall not discharge such defendant, he shall remain and be in the custody of said officer, under said process.

SEC. 2. *Be it enacted*, That the service of process upon the defendant or defendants, by which he, she, or they, were arrested, shall be noticed to the plaintiff or plaintiffs to appear before the Judge or Justice, to contest the application of the defendant or defendants, to be discharged under the provisions of the first section of this act.

Which being read,

Mr. Foster moved the adoption of said amendment in lieu of the original bill.

Mr. Turney moved the indefinite postponement of said bill and amendment.

Which motion Mr. Turney afterwards withdrew.

The question then recurred upon the adoption of the amendment proposed by Mr. Foster, in lieu of the original bill, being had, was determined in the affirmative.

Yeas, - - - -	14
Nays, - - - -	10

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Foster, Gardner, Jennings, Johnson, Ledbetter, Miller, Munford, Nelson, Reneau, Sevier, Warner, Williams, and Mr. Speaker Turney—14.

The negative voters were,

Messrs. Bradberry, Hardwicke, Laughlin, Maclin, Martin, Matthews, Peyton, Powell, Ross, and Waterhouse—10.

So said amendment was adopted.

Mr. Powell moved to indefinitely postpone said bill.

Which motion Mr. Powell afterwards asked and obtained leave to withdraw.

Mr. Martin moved that said bill be laid on the table.

And the question thereupon being had, was determined in the negative.

Ayes, - - - -	11
Nays, - - - -	13

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Hardwicke, Laughlin, Maclin, Martin, Matthews, Peyton, Powell, Reneau, Ross, and Waterhouse—11.

The negative voters were,

Messrs. Ashe, Foster, Gardner, Jennings, Johnson, Ledbetter, Miller, Munford, Nelson, Sevier, Warner, Williams, and Mr. Speaker Turney—13.

So said motion to lay said bill on the table was rejected.

And said bill as amended, was read a third and last time.

And the question upon the passage of said bill was had, and determined in the affirmative.

Ayes, - - - - -	16
Nays, - - - - -	8

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Foster, Gardner, Jennings, Laughlin, Ledbetter, Miller, Munford, Nelson, Peyton, Reneau, Ross, Sevier, Warner, Williams, and Mr. Speaker Turney—16.

The negative voters were,

Messrs. Bradberry, Hardwicke, Johnson, Maclin, Martin, Matthews, Powell, and Waterhouse—8.

So said bill as amended, was passed upon its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and read a third and last time and passed "a bill to apportion the representation in the General Assembly of the State of Tennessee;" which I am directed to transmit to the Senate, and ask a concurrence therein.

And then he withdrew.

The Senate, on motion of Mr. Gardner, took up the consideration of

A bill from the House of Representatives, to apportion the representation in the General Assembly of the State of Tennessee.

Which was read a first time,

When Mr. Munford moved to amend said bill, by adding thereto, the following, to wit:

Sec. *Be it enacted*, That the General Assembly elected under this act, shall meet at Lebanon, in the county of Wilson.

Which being read,

Mr. Munford afterwards asked and obtained leave to withdraw said amendment, which was accordingly done.

Mr. Martin moved that the Senate adjourn until 2 o'clock, P. M.

And the sense of the Senate thereon being had, said motion was rejected.

Mr. moved that the Senate adjourn until Monday morning next, at 9 o'clock.

And the question thereon being had, was determined the negative.

Yeas, - - - -	9
Nays, - - - -	14

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Jennings, Maclin, Martin, Peyton, Ross, Sevier, and Mr. Speaker Turney—9.

The negative voters were,

Messrs. Foster, Gardner, Johnson, Laughlin, Ledbetter, Matthews, Miller, Munford, Nelson, Powell, Reneau, Warner, Waterhouse, and Williams—14.

So said motion to adjourn until Monday morning next was rejected.

Mr. Ledbetter moved that the Senate adjourn until 2 o'clock, P. M.

And the question thereupon being had, was determined in the negative.

So said motion was rejected.

The question then recurred upon the passage of said bill, upon its first reading in the Senate.

When Mr. Maclin moved that the Senate do adjourn until Monday morning next, at 9 o'clock.

And the question thereon being had, was determined in the affirmative.

Yeas, - - -	12
Nays, - - -	11

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Foster, Hardwicke, Jennings, Johnson, Maclin, Martin, Peyton, Powell, Ross, Sevier, and Mr. Speaker Turney—12.

The negative voters were,

Messrs. Gardner, Laughlin, Ledbetter, Matthews, Miller, Munford, Nelson, Reneau, Warner, Waterhouse, and Williams—11.

So said motion prevailed.

Whereupon the Senate adjourned until Monday morning next, at 9 o clock.

MONDAY, October 24, 1842.

The Senate was opened with prayer by the Rev. A. L. P. Green, Pastor of the Methodist Episcopal Church in the city of Nashville.

Mr. Jennings submitted the following:

Whereas, a great and sudden contraction of the circulating medium has occasioned an unprecedented amount of pecuniary distress amongst the people of Tennessee.

And whereas, a lack of confidence in both the ability and the willingness of the several Banks existing within the limits of this State, to increase the amount of their issues, has occasioned great alarm amongst indebted classes of the community,

And whereas, there is good reason to believe that those institutions have it in their power, by proper assurances publicly given, to quiet much of that alarm and thereby to diminish the anxiety that so exten-

sively prevails for the enactment of laws, which, in the opinion of many honest men, can procure individual relief only by a sacrifice of the public prosperity and a departure from the principles of public justice.—Therefore be it

Resolved by the General Assembly of the State of Tennessee, That the President and Directors of the Bank of Tennessee—the President and Directors of the Union Bank of Tennessee—the President and Directors of the Planters' Bank of Tennessee, and the President and Directors of the Farmers' and Merchants' Bank of Memphis, be severally requested to state to both Houses of the General Assembly in writing:

1st. Whether they do not deem it their duty, as public agents, to exert themselves to the utmost to put and keep in circulation an amount of their money commensurate with the wants and abilities of the community.

2nd. Whether their knowledge of the means and credit of their several institutions, and the information they possess in regard to the amount, quality, and value of the crops of the present season, will not justify them in giving an assurance through the General Assembly to the people of the State, that they will in a short period largely increase both the amount of their loans and their circulation.

3rd. Whether the enactment of laws which would obstruct and delay the collection of debts, would or would not have a serious influence in determining the course of policy which they will in future adopt, and will or will not cramp them in their efforts to supply the existing deficiency in the circulating medium to relieve the people by furnishing the requisite amount of a sound and uniform circulating medium.

Which being read,

Was ordered to the table.

The Senate, on motion of Mr. Ledbetter, resumed the unfinished business of Saturday last, being the consideration of

A bill, (from the House of Representatives) to apportion the Representation in the General Assembly of the State of Tennessee.

When Mr. Ross moved to re-commit said bill to the Joint Select Committee on laying off the State into Senatorial and Representative Districts.

And the question upon the re-commitment of said bill to said Joint Select Committee being had, was determined the negative.

Yeas, - - - - -	4
Nays, - - - - -	20

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Hardwicke, Johnson, Martin, and Ross—4.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Laughlin, Ledbetter, Matthews, Miller, Munford, Nelson, Peyton, Powell,

Reneau, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney—20.

So said motion to re-commit said bill to the Joint Select Committee was rejected.

Mr. Johnson moved to amend said bill by striking out the first section of said bill, in that portion composing the third Senatorial District, after the words "the counties of Cocke," the word "Sevier," and inserting in the first seetion of said bill, in that portion constituting the fifth Senatorial District, after the words "the county of Knox," the word "Sevier."

Which amendment being read,

And the question upon the adoption of said amendment being had, was determined in the negative.

Yeas, - - - - -	4
Nays, - - - - -	20

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Hardwicke, Johnson, Martin, and Ross—4.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Laughlin, Ledbetter, Matthews, Miller, Munford, Nelson, Peyton, Powell, Reneau, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney —20.

So said amendment was rejected.

And the question recurring upon the passage of said bill, was had and determined in the affirmative.

So said bill was passed upon its first reading in the Senate.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr Speaker:—The House of Representatives have read and considered a memorial from sundry citizens of Maury county, protes ing against the enactment of any law by the present General Assembly having for its object the extension of relief by postponing the Courts.

Also, a memorial from citizens of Giles county, praying the Legislature that no law be passed having for its object relief to the pecuniary embarrassments of the country, as the same must be merely temporary, not affording any substantial relief. Which I am directed to transmit to the Senate.

And then he withdrew.

The Senate, on motion of Mr. Martin, took up and considered a message from the House of Representatives, transmitting a memorial from sundry citizens of Maury county, protesting against the ensctment of any law by the present General Assembly having for its object the extension of relief by the postponement of the Courts.

Which being read,

On motion of Mr. Martin,

Said memorial is referred to the Joint Select Committee on Relief

The Senate, on motion of Mr. Ross, took up and considered a memorial from sundry citizens of the county of Giles, praying the Legislature that no law be passed having for its object relief to the pecuniary embarrassments of the country, as the same can only be temporary, and affording no substantial relief.

Which being read,

On motion of Mr. Ross,

Said memorial is referred to the Joint Select Committee on Relief.

On motion of Mr. Williams,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker:—The House of Representatives have adopted a resolution discharging the Joint Select Committee on laying off the State into Congressional Districts, from the further consideration of that subject, and referring said subject to the Joint Select Committee on Senatorial and Representative Districts, and excusing from serving on said committee such members as were members of the Committee on Congressional Districts; in which resolution the House of Representatives ask the concurrence of the Senate.

Messrs. Senter and Fouville have been appointed members of the Joint Select Committee on Senatorial and Representative Districts, in the place of Messrs. Scruggs and Copeland, who have been excused from serving on said committee.

And then he withdrew.

The Senate, on motion of Mr. Maclin, took up and considered a message from the House of Representatives transmitting a resolution adopted by the House discharging the Joint Select Committee on laying off the State into Congressional Districts from the further consideration of the resolution referred to said committee in relation thereto, and referring said matter to the Joint Select Committee on laying off the State into Senatorial and Rapresentative Districts, and excusing Messrs. Scruggs and Copeland of said committee from service thereon.

Which being read,

On motion of Mr. Maclin,

The Senate concur therein.

Ordered, That the clerk announce to the House of Representatives the concurrence of the Senate in said resolution.

The Senate, on motion of Mr. Bradberry, took up and considered

A bill to authorise the County Courts of Henderson, Dickson, Perry, and Hardeman counties to make such disposition of the Internal Improvement funds belonging to said counties as to them shall seem proper.

Which was read a second time and passed.

On motion of Mr. Bradberry,

Said bill is referred to the Joint Select Committee on Relief.

The Senate, on motion of Mr. Ledbetter, resolved itself into a Committee of the Whole upon the consideration of

A bill to relieve the people by creating and regulating conventional interest, suppressing usury and shaving notes.

Mr. Frey in the Chair.

And after some time spent in the consideration of said bill,

Mr. Speaker Turney resumed the Chair,

And Mr. Frey reported that the committee had, according to order, had said bill under consideration, and that said committee had instructed him to report said bill with sundry amendments herewith submitted, and with said amendments to recommend the passage of said bill.

Which report being read,

On motion of Mr. Laughlin,

Said bill was ordered to the table.

On motion of Mr. Laughlin,

The Senate adjourned until to-morrow morning, 9 o'clock, for the purpose of enabling the Committee on Banks to consider of such measures as have been specially referred.

TUESDAY, October 25, 1842.

Mr. Foster, Chairman of the Committee on the Judiciary, to whom had been referred

A bill to relieve the people by regulating sales under deeds of trust.

Submitted the following report:

Mr. Speaker:—The Judiciary Committee to whom was referred "A bill to rrlieve the people by regulating sales under deeds of trust," have had the same under consideration, and have directed me to report that the object of the bill is to make deeds of trust, in character and effect, deeds of mortgage, and to compel a resort to a Court of Equity to have deeds of trust executed or closed. Such law would, to a certain extent, abridge the rights of the people, and subject their power to contract to the exclusive judgment of the Legislature; and such law, rather than relieve the people, would involve them in litigation and expenses.—Wherefore the committee have directed me to report said bill, and recommend its rejection.

ROBERT C. FOSTER, Jr.,
Chairman.

Which report being read,

And the question upon the adoption of said report being had, said report was concurred with.

And said bill was read a third and last time and rejected.

The Senate, on motion of Mr. Johnson, took up the consideration of a message from the House of Representatives transmitting a resolution adopted by the House, proposing that this General Assembly do adjourn on Monday the 31st instant, *sine die*.

Which being read,

Mr. Foster moved to amend said resolution by striking out the words

·31st instant," and inserting in lieu thereof the words "Monday, the ·th of November next."

Which being read,

Mr. Williams moved that said resolution, with the amendment propos-d by Mr. Foster, be laid on the table and made the order of the day ·r Friday, the 4th of November next.

Which motion prevailing,

Said resolution, with the proposed amendment, was ordered to the ıble.

Mr. Hardwicke in the Chair.

The Senate, on motion of Mr. Williams, took up and considered

A bill to relieve the people of the State by amending an act passed ·ly 28th, 1820, chapter 11, entitled "an act to prevent a sacrifice of ·al estate, and for other purposes."

Which bill was read a second time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr Speaker:—The House of Representatives have taken up and read a memorial from two hundred and six citizens of Sumner county, protesting against the passage of a bill now under consideration before the General Assembly, proposing for its object relief to the people by creating two terms of the Circuit Court in each year, instead of three as now fixed by law.

Also, one other memorial from two hundred and ninety-one citizens of Sumner county, praying this General Assembly to extend relief to the people by establishing two Circuit Courts in each year, instead of three as now fixed by law, and any other measure of relief not founded on the issuance of Post Notes; which I am directed to transmit to the Senate.

And then he withdrew.

The Senate, on motion of Mr. Jennings, took up and considered

A bill from the House of Representatives to apportion the Represen-·ation in the General Assembly of the State of Tennessee.

Which bill was read a second time,

When Mr. Waterhouse moved to amend said bill by striking out the word "Washington," occurring in the fourth section, being that part ·f the bill assigning to the counties of Washington, Greene, and Haw-·ins one Representative.

And the question upon the adoption of said amendment being had, ·was determined in the negative.

Ayes, - - -	7
Nays. - - -	17

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Hardwicke, Johnson, Laughlin, Ross, Warner, Waterhouse and Mr. Speaker Turney—7.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Ledbetter, Maclin, Martin, Miller, Munford, Nelson, Peyton, Powell, Reneau, Sevier, and Williams—17.

So said amendment was rejected.

Mr. Powell moved to amend said bill by inserting in the fourth line of the fourth section, after the words "Washington, Hawkins, and Greene," the words "Sullivan county."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the negative.

Mr. Johnson moved to amend said bill by inserting therein "that Hawkins, Sullivan, and Washington shall compose one District and elect one Representative."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the negative.

Ayes, - - -	7
Nays, - - -	17

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Hardwicke, Johnson, Laughlin, Martin, Powell, Ross, and Waterhouse—7.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Ledbetter, Maclin, Matthews, Miller, Munford, Nelson, Peyton, Reneau, Sevier, Williams, and Mr. Speaker Turney—17.

So said amendment was rejected.

Mr. Johnson moved to amend said bill by inserting therein "That Cocke and Greene counties shall elect one Representative."

Which being read,

And the question upon the adoption of said amendment was had and determined in the negative.

Ayes, - - -	7
Nays, - - -	18

The ayes and nayes being demanded,

The affirmative voters were,

Messrs. Hardwicke, Johnson, Laughlin, Martin, Powell, Ross, and Waterhouse—7.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Ledbetter, Maclin, Matthews, Miller, Munford, Nelson, Peyton, Reneau, Sevier, Warner, Williams, and Mr. Speaker Tureey—18.

So said amendment was rejected.

Mr. Johnson moved to amend said bill by adding thereto the following: "That Sevier county be added to the county of Knox, to elect one Representative."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the negative.

Ayes,	-	-	-	7
Nays,	-	-	-	18

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Hardwicke, Johnson, Laaghlin, Martin, Powell, Ross, and Waterhouse—7.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Ledbetter, Maclin, Matthews, Miller, Munford, Nelson, Peyton, Reneau, Sevier, Warner, Williams, and Mr. Speaker Turney—18.

So said amendment was rejected.

Mr. Ross moved to amend said bill as follows:

That the counties of Bedford and Franklin shall compose one Senatorial District, and the polls shall be compared at ———.

The counties of Lincoln and Giles shall compose one Senatorial District, and the polls shall be compared at ———.

The counties of Maury and Marshall shall compose one Senatorial District, and the polls shall be compared at ———.

Which being read,

And the question upon the adoption of said amendment being had, was determined in the negative.

Ayes,	-	-	-	4
Nays,	-	-	-	20

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Johnson, Martin, Powell, and Ross—4.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, Matthews, Miller, Munford, Nelson, Peyton, Reneau, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney—20.

So said amendment was rejected.

Mr. Martin moved to amend said bill by adding De Kalb county to the 9th District, and that Franklin county be added to the 10th Senatorial District.

Which being read,

And the question upon the adoption of said amendment being had, was determined in the negative.

Ayes,	-	-	-	5
Nays,	-	-	-	19

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Hardwicke, Johnson, Martin, Ross, and Mr. Speaker Turney—5.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Laughlin, Ledbetter, Matthews, Miller, Munford, Nelson, Peyton, Powell, Reneau, Sevier, Warner, Waterhouse, and Williams—19.

So said amendment was rejected.

The question then recurred upon the passage of said bill, upon its second reading.

Which being had, was determined in the affirmative.

Ayes,	-	-	-	21
Nays,	-	-	-	3

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, Matthews, Miller, Munford, Nelson, Peyton, Powell, Reneau, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney—21.

The negative voters were,

Messrs. Johnson, Martin, and Ross—3.

So said bill was passed upon its second reading in the Senate.

Mr. Turney introduced

A bill to relieve the people by directing property under execution sale to be sold at a credit of four months.

Which bill was read a first time and passed,

Mr. Reneau introduced

A bill to provide for an examination into the condition and management of the Bank of Tennessee.

Which bill was read a first time and passed.

On motion of Mr. Ashe,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate, on motion of Mr. Gardner, took up the consideration of

A bill to reduce the public debt of the State by accepting the propo-

sition of South Carolina, in relation to the Louisville, Cincinnati, and Charleston Railroad Company.

Which being read,

Mr. Gardner asked and obtained leave to withdraw said bill for amendment.

The Senate, on motion of Mr. Jennings, took up and considered a resolution by him submitted on yesterday, directory to the President and Directors of the Bank of Tennessee—the President and Directors of the Union Bank of Tennessee—the President and Directors of the Planters' Bank of Tennessee, and the President and Directors of the Farmers' and Merchants' Bank of Memphis.

Which being read,

Mr. Laughlin moved to amend said resolution by striking out the following:

"3rd. Whether the enactment of laws which would obstruct and delay the collection of debts would or would not have a serious influence in determining the course of policy which they will in future adopt, and will or will not cramp them in their efforts to relieve the people by furnishing the requisite amount of a sound and uniform circulating medium."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

Yeas, - - -	18
Nays, - - -	5

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Frey, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Martin, Miller, Munford, Peyton, Powell, Reneau, Ross, Warner, Waterhouse, and Mr. Speaker Turney—18.

The negative voters were,

Messrs. Gardner, Jennings, Nelson, Sevier, and Williams—5.

So said amendment was adopted.

Mr. Jennings moved to amend said resolution by striking out after the words "resolved by the" the words "General Assembly of the State of Tennessee," and to insert in lieu thereof the word "Senate."

Which being considered of by the Senate,

Said amendment was adopted.

Mr. Jennings moved further to amend said resolution by striking out after the words "requested to state to," in the twenty-first line, the words "both Houses of the General Assembly."

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Ledbetter moved to amend said resolution by striking out the words "and the President and Directors of the Farmers' and Merchants' Bank of Memphis."

Which being read and considered of by the Senate;
Said amendment was adopted.
And said resolution, as amended, being read, and the question upon its adoption being had, was determined in the affirmative.

Yeas, - - -	12
Nays, - - -	11

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Frey, Gardner, Jennings, Laughlin, Ledbetter, Nelson, Peyton, Reneau, Sevier, and Williams—12.

The negative voters were,

Messrs. Hardwicke, Johnson, Maclin, Martin, Miller, Munford, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney—11.
So said resolution, as amended, was adopted.
Ordered, That the clerk transmit to the President and Directors of the respective Banks in said resolution mentioned, a copy of said amended resolution.
On motion of Mr. Martin,
The Senate adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, October 26, 1842.

The Senate was opened with prayer by the Rev. John B. McFerrin, of the Methodist Episcopal Church in the city of Nashville.
The Senate, on motion of Mr. Jennings, took up and considered
A bill from the House of Representatives to apportion the representation in the General Assembly of the State of Tennessee.
Which bill was read a third and last time,
When Mr. Waterhouse moved to amend said bill by striking out the word "Washington" in the fourth line of the fourth section.
Which being read,
And the question upon the adoption of said amendment being had, was determined in the negative.

Yeas, - - - -	6
Nays, - - - -	17

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Hardwicke, Johnson, Martin, Ross, Waterhouse, and Mr. Speaker Turney—6.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Laugh-

lin, Ledbetter, Miller, Munford, Nelson, Peyton, Powell, Reneau, Sevier, Warner, and Williams—17.

So said amendment was rejected.

Mr. Johnson moved to amend said bill as follows, to wit:

"That the counties of Greene and Washington shall elect one Representative, and the polls shall be compared at ———."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the negative.

Yeas, - - -	6
Nays, - - -	17

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Hardwicke, Johnson, Laughlin, Martin, Powell, and Ross —6.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Ledbetter, Miller, Munford, Nelson, Peyton, Reneau, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney—17.

So said amendment was rejected.

Mr. Johnson moved to amend said bill as follows, to wit:

"That the counties of Hawkins and Sullivan shall elect one Representative, and the polls shall be compared at ———."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the negative.

Yeas, - - - -	6
Nays, - - - -	17

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Hardwicke, Johnson, Laughlin, Martin, Powell, and Ross —6.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Ledbetter, Miller, Munford, Nelson, Peyton, Reneau, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney—17.

So said amendment was rejected.

Mr. Ross moved to amend said bill, as follows, to wit:

"That De Kalb county be added to, and compose part, of the 9th Senatorial District.

"That Franklin county be added to, and compose part of the 10th Senatorial District."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the negative.

Ayes,	5
Nays,	18

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Johnson, Martin, Powell, Ross, and Mr. Speaker Turney—5.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Laughlin, Ledbetter, Maclin, Miller, Munford, Nelson, Peyton, Reneau, Sevier, Warner, Waterhouse, and Williams—18.

So said amendment was rejected.

Mr. Ross moved to amend said bill by striking out of the 21st line of the 4th section the word "Major," and to insert in lieu thereof the word "William."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the negative.

Ayes,	7
Nays,	17

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Hardwicke, Johnson, Maclin, Martin, Powell, Ross, and Mr. Speaker Turney—7.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Laughlin, Ledbetter, Miller, Munford, Nelson, Peyton, Reneau, Sevier, Warner, Waterhouse, and Williams—17.

So said amendment was rejected.

Mr. Martin moved to amend said bill by adding Montgomery county to the 19th Senatorial District, and that said county compose a part thereof.

And the question upon the adoption of said amendment was had and determined in the negative.

Ayes,	5
Nays,	19

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Hardwicke, Johnson, Maclin, Martin and Ross—5.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Laughlin, Ledbetter, Miller, Munford, Nelson, Peyton, Powell, Reneau, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney— 19.

So said amendment was rejected.

The question then recurred upon the passage of said bill, which being had, was determined in the affirmative.

Ayes, - - - - -	20
Nays, - - - - -	4

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, Miller, Munford, Nelson, Peyton, Powell, Reneau, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney—20.

The negative voters were,

Messrs. Johnson, Maclin, Martin, and Ross—4.

So said bill was passed on its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives for enrolment.

Mr. Laughlin asked and obtained leave of absence until Monday next, for Mr. Matthews, a Senator from Lawrence, who visits his family, afflicted by sickness, being ill of fever, &c,

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and read a memorial from the members of the Mechanics Union Society, and Mechanics of the town of Columbia—sixty-four members of said society being against, and six members of said society for the passage of the bill now before the General Assembly of the State of Tennessee, establishing the system of holding two terms of the Circuit Court, instead of three terms each year, as now established by law: which I am directed to transmit to the Senate.

And then he withdrew.

On motion of Mr. Williams,

The Senate adjourned until to-morrow morning, 9 o'clock, for the purpose of affording the Joint Select Committee an opportunity to examine and report "a bill laying off the State into Congressional Districts," referred to them by a joint resolution of both houses of the General Assembly of the State of Tennessee.

THURSDAY, October 27, 1842.

The Senate was opened with prayer by the Rev. John B. McFerren, Pastor of the Methodist Episcopal Church in the city of Nashville.

Mr. Miller submitted a memorial from citizens of the town of Athens, praying the General Assembly to pass no law authorising the issuance of Post Notes—that the Circuit Courts be held semi-annually—that the jurisdiction of Justices of the Peace shall not exceed twenty dollars—that the appropriation of one hundred thousand dollars should be placed in the Banks located in East Tennessee, for purposes of discount; that all sales of real estate, the value of the rents should be applied to the extinguishment of the debt of the judgment creditor—that personal property should be sold at two thirds of its value, and if not so sold, to be exempt from execution sale for twelve months—that the Banks continue under discount all notes until reduced to fifty dollars.

Which being read,

On motion of Mr. Miller,

It is ordered that said memorial be transmitted to the House of Representatives.

Mr. Hardwicke in the Chair.

The Senate, on motion of Mr. Turney, took up and considered

A bill to relieve the people of the State, by amending an act passed July 28th, 1820, chapter 11, entitled "an act to prevent a sacrifice of real estate, and for other purposes."

Which being read a third and last time,

When Mr. Williams moved to amend said bill by adding thereto the following, constituting the 5th section of said bill, to wit:

SEC. 5. *Be it enacted*, That this act shall be in force and take effect only on sales of real estate, made after its passage.

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

And the question recurring upon the passage of said bill as amended, being had, was determined in the affirmative.

Ayes, - - - -	19
Nays, - - - -	5.

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Munford, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Waterhouse, Williams, and Mr. Speaker Turney—19.

The negative voters were,

Messrs. Foster, Ledbetter, Martin, Miller, and Warner—5.

So said bill was passed on its third and last reading, and was ordered to be engrossed and transmitted to the House of Representatives.

The Senate, on motion of Mr. Martin, took up and considered a message from the House of Representatives, transmitting a memorial from sixty-four mechanics of the Mechanics' Union Society, and Mechanics

of Columbia, against the passage of the Court bill now pending before the General Assembly of the State of Tennessee, and six mechanics of said society and town, in favor of the passage of said bill.

Which being read,

Said memorial, on motion of Mr. Martin, was referred to the Committee on Relief.

Mr. Martin introduced

A bill to enable the farmers to realize the money for the produce of their labor, and to remedy the scarcity of the circulating medium.

Which bill was read a first time and passed.

Mr. Jennings moved that fifty copies of said bill be printed for the use of the Senate.

And the question upon the printing of said bill being had, was determined in the negative.

Ayes,	-	.	-	-	9
Nays,	-	--	-	-	14

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Foster, Jennings, Ledbetter, Maclin, Martin, Powell, Ross, and Sevier—9.

The negative voters were,

Messrs. Frey, Gardner, Hardwicke, Johnson, Laughlin, Miller, Munford, Nelson, Peyton, Reneau, Warner, Waterhouse, Williams, and Mr. Speaker Turney—14.

So said motion to print said bill was rejected.

The Senate, on motion of Mr. Peyton, took up and considered a message from the House of Representatives, transmitting two memorials from the citizens of Sumner county, two hundred and six petitioners against the passage of the Court bill now on its passage before the General Assembly of the State of Tennessee, and two hundred and ninety one petitioners in favor of the passage of said bill.

Which being read, was,

On motion of Mr. Peyton, referred to the Joint Select Committee on Relief.

On motion of Mr. Manford,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Foster asked and obtained leave to withdraw for amendment

A bill to relieve the people, by creating and regulating conventional interest, suppressing usury, and the shaving of notes.

Mr. Reneau moved that the Senate reconsider the vote upon the passage, upon the third and last reading of "a bill to relieve the people of this State, by amending an act passed July 28th, 1820, chapter

11," entitled 'an act to prevent a sacrifice of real estate, and for other purposes."

And the question upon the reconsideration of said bill being had, was determined in the affirmative.

So the Senate agrees to reconsider said vote upon the passage of said bill, upon its third and last reading,

When Mr. Reneau asked and obtained leave to withdraw said bill for amendment.

On motion of Mr. Martin,

The Senate adjourned until to-morrow morning, 9 o'clock.

FRIDAY, October 28, 1842.

The Senate was opened with prayer by the Rev. John B. McFerren, of the Methodist Episcopal Church, in the city of Nashville.

Mr Speaker Turney submitted the following communication from Matthew Watson, Esq. President of the Planters' Bank of Tennessee, as follows:

PLANTERS' BANK OF TENNESSEE,
October 27th, 1842.

To the Honorable Speaker and Members of the Senate:

GENTLEMEN: The President and Directors of the Planters' Bank of Tennessee, respectfully acknowledge the receipt of a copy of the preamble and resolution adopted by your honorable body on the 25th instant. They have given to that communication the most candid and attentive consideration, and I am directed to submit the following reply to its contents.

At this peculiar and distressing crisis, the Directors esteem it an obligation, due alike to the Stockholders and the community, to keep in circulation as large an amount of paper as the condition of the Bank and public confidence will safely and prudently justify. But believing as they do, that an unwise expansion, however loudly called for by the wants of the country, would, in its disastrous consequences, lead in a short time to greater evils than those under which we are now suffering, they cannot consent to adopt a policy that would in all probability involve again the character and value of our currency. At this moment however, and under all existing circumstances, the Directors think they can confidently assure your honorable body, that the prospects of affording the people some relief by the instrumentality of the Banks, are extremely flattering. From all our information in regard to the extent and value of the present crops of the country—added to the very small amount of outstanding foreign debt, and the favorable condition and standing of this bank, the Directors have determined that its circulation may be increased within the next three or four months, by the discount of good paper, founded upon the produce of the country, to the sum of $200,000.

All these hopes however, we are compelled to remark, greatly depend upon a continuance of the present healthy state of public confidence. If hereafter, any thing shall occur calculated to shock or im-

pair that confidence, or to prostrate or retard its slow but favorable growth, we cannot undertake to say that such an occurrence would not necessarily reverse the present determinations of the board and the future policy of the Bank on this important subject.

I have the honor to be,
most respectfully your ob't serv't.
M. WATSON, *President.*

Which being read,
Said communication was ordered to the table.

Mr. Speaker Turney presented the following communication from the President of the Union Bank of Tennessee, as follows:

UNION BANK OF TENNESSEE,
Nashville, 27th Oct. 1842.

To the Hon. Sam. Turney, Speaker of the Senate:

SIR: I have the honor to acknowledge the receipt of a copy of a preamble and resolution adopted on the 25th inst. by the honorable body over which you preside, proposing certain enquiries to this Bank.

I beg leave to state that I have been instructed to reply to the first enquiry in the affirmative—and to the second, that from their knowledge of the resources of this institution, the quality and value of the present extraordinary crop of Cotton, Tobacco, &c., and with the ordinary facilities for the collection of debts, the Board is of the opinion that the circulation of the Bank may be safely increased, during the present season, some three hundred thousand dollars over its present amount.

I have the honor to be,
Very respectfully, your ob't serv't
JNO. M. BASS, *President.*

Which being read,
Said communication was ordered to the table.

Mr. Speaker Turney presented the following communication from the President of the Bank of Tennessee, as follows:

BANK OF TENNESSEE,
October 27th, 1842.

Hon. Samuel Turney, Speaker of the Senate:

SIR: In obedience to a preamble and resolution adopted on the 25th instant, by the honorable body over which you preside, requesting the President and Directors of this Bank to state to the Senate—"1st Whether they do not deem it their duty, as public agents, to exert themselves to the utmost to put and keep in circulation, an amount of their money, commensurate with the wants and abilities of the community;" and 2d, "whether their knowledge of the means and credit of their institutions, and the information they possess in regard to the amount, quality, and value of the crops of the present season, will not justify them in giving an assurance through this General Assembly, to the people of the State, that they will, in a short period, largely increase both the amount of their loans and their circulation."—I have the honor to inform you, that the subject has been submitted to the board of

directors of this Bank, and they have instructed me to state that, as public agents, they deem it their duty to put in circulation as large an amount of the notes of the Bank as is consistent with the permanent safety of the institution.

The only way in which this Bank can safely increase its circulation at present, is, by the purchase of real Bills drawn upon the exports of the country, and it can now invest any reasonable amount in such bills. The accounts from all parts of the State, represent the crop of Cotton, Tobacco, &c., to be unusually abundant, and of superior quality, and they are of opinion that a large amount of undoubted bills will be offered to the Banks.

The Directors cannot give any assurance to the General Assembly that they will in a short time increase the amount of their loans on what is commonly called accommodation paper. The Bank and Branches have already upwards of three millione of dollars of such money under discount, which, with very few exceptions, is renewed with merely the payment of the interest. They, therefore, entertain the opinion, that it would be impossible for this Bank to increase its circulation to any considerable extent on mere loans, maintain specie payments, and meet its other liabilities at home and abroad.

Very respectfully, your ob't. serv't.

WILLO. WILLIAMS, *President.*

Which being read,

Was ordered to the table.

Mr. Peyton presented a memorial of thirty-four citizens of Sumner county, in favor of the passage of a bill, changing the Judiciary System of the State of Tennessee, as a measure of Relief.

Which being read, was,

On motion of Mr. Peyton,

Referred to the Joint Select Committee on Relief.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The House of Representatives have passed upon its third and last reading, "a bill to stay, if possible, the tide of ruin and distress which threatens to overwhelm the State, and to relive the people from the pecuniary embarrassments which exist throughout the State, by establishing two terms of the Circuit Court, regulating Judicial proceedings, and diminishing expenditures in the administration of justice;" which I am directed to transmit to the Senate, and ask a concurrence therein.

And then he withdrew.

Mr. Hardwicke in the Chair.

Mr. Reneau returned

A bill to relieve the people of this State by amending an act passed 28th July, 1820, chap. 11, entitled "an act to prevent the sacrifice of real estate," and for other purposes.

By him withdrawn for amendment, with the following amendment, to wit:

"SEC. 6. *Be it enacted*, That where any creditor shall redeem any

real estate under the provisions of this act, or the act which this is intended to amend, he shall hold it subject to the redemption of the original debtor, or any other of his creditors, upon the same terms that it was redeemable in the hands of the first purchaser or any person claiming under him. That is to say—the creditor proposing to redeem the land which has been previously redeemed, shall pay or tender to the person holding said land the amount of money which has been paid by the person holding the same pursuant to the provisions of this act, and the one which this is intended to amend, with interest at the rate of ten per cent. per annum thereon, and shall also agree and pay to the debtor the further sum of ten per cent or more, on the sum bid for said land when sold under execution, or shall give him a credit for that amount or more on the debt owing to him by said debtor.

Sec. 7. *Be it enacted*, That real estate sold and made redeemable by the laws of this State, shall be and continue redeemable to creditors and the debtor for two years after the execution sale, upon the terms provided in this act, no matter how often it may have been previously redeemed; *Provided*, the person proposing to redeem shall always pay or tender to the holder the amount of money which he has paid, pursuant to the provisions of this act and the one which this is intended to amend, with interest thereon at the rate of ten per cent per annum, and shall, if he be a creditor, pay to the debtor or credit his debt with a sum equal to ten per cent. or more, on the sum bid at the execution sale, and in no case shall the holder or claimant increase his bid against the debtor, or any bona fide creditor offering to redeem the real estate."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Laughlin moved a reconsideration of the vote of the Senate adopting an amendment offered by Mr. Reneau to

A bill to relieve the people of this State by amending an act passed 28th July, 1820, chap. 11, entitled "an act to prevent a sacrifice of real estate," and for other purposes.

And the question thereupon being had, was determined in the affirmative.

So the Senate re-considered said vote adopting said amendment.

And the Senate was further considering said bill,

When Mr. Turney moved to amend said amendment by striking out the word "ten" occurring in the 13th line of the 6th section, after the words "at the rate of," and to insert in lieu thereof the word "six;" and further amending said amendment by striking out the word "ten," occurring in the 10th line of the 7th section after the words "at the rate of," and inserting in lieu thereof the word "six."

Which being read,

And the question upon the adoption of said amendments to the amendment offered by Mr. Reneau being had, was determined in the affirmative.

Mr. Nelson moved to lay said bill, with the amendments, on the table.

Which motion prevailing,

Said bill, with the proposed amendments thereto, was ordered to the table

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The House of Representatives have taken up and read a third and last time and passed, with an amendment in lieu of the whole bill, a bill from the Senate to abolish imprisonment for debt; which I am directed to transmit to the Senate, and ask a concurrence therein.

And then he withdrew.

Mr. Gardner returned

A bill to reduce the public debt of this State, by accepting the proposition of South Carolina in relation to the Louisville, Cincinnati, and Charleston Railroad Company.

By him withdrawn for amendment, with the following amendment at the end of the third section:

"And the State of Tennessee is fully discharged from all further liability upon the stock subscribed for by her in said Company, as though she had never taken the same."

Which being read,

Mr. Laughlin moved to re-commit the bill to the Committee on Internal Improvements, with instructions to call before them and examine the Attorney General of the State, and report the bill either with or without the amendment as they shall think proper after such examination.

Which being read,

Mr. Foster offered the following, in addition to the proposition made by Mr. Laughlin:

"That said bill be re-committed, with instructions to said committee to ascertain and report the amount of the stock subscribed, the amount of stock taken by the State of Tennessee and South Carolina, and the sum total of individual stockholders, the amount paid by each stockholder, and the amount of expenses incurred by said Company up to the time of the proposition of South Carolina."

Which being read,

And the question upon the adoption of the proposition made by Mr. Laughlin, with instructions to said Committee, with the additional proposition and inquiry with instructions to said Committee, offered by Mr. Foster, being had, was determined in the negative.

Yeas, - - - -	10
Nays, - - - -	14

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Foster, Hardwicke, Laughlin, Ledbetter, Martin, Reneau, Ross, Warner, and Mr. Speaker Turney—10.

The negative voters were,

Messrs. Ashe, Frey, Gardner, Jennings, Johnson, Maclin, Miller,

Munford, Nelson, Peyton, Powell, Sevier, Waterhouse, and Williams —14.

So said propositions to refer said bill with instructions to the Committee on Internal Improvements was rejected.

When Mr. Johnson proposed the following amendment to said bill, constituting the 4th section thereof, to wit:

"SEC. 4. *Be it enacted*, That the six hundred and fifty thousand dollars subscribed as stock to the Louisville, Cincinnati, and Charleston Railroad Company, be, and the same is hereby appropriated and set apart as an Internal Improvement fund for the Eastern portion of Tennessee, to be invested and expended upon such objects of internal improvement at such time as may be deemed expedient and proper by the General Assembly of the State of Tennessee."

Which being read,

When, on motion of Mr. Gardner,

Said bill, with the proposed amendments, is ordered to the table.

Mr. Peyton presented a memorial of sundry citizens of Sumner county, in opposition to the passage of a bill now under consideration before the General Assembly of the State of Tennessee, proposing to change the time of holding the Circuit Courts in the State of Tennessee.

Which being read,

When, on motion of Mr. Peyton,

Said memorial is referred to the Joint Select Committee on Relief.

Mr. Ledbetter submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the public printer be directed to publish a copy of the Governor's Message, with the acts passed at the present extra session of the General Assembly, without the documents accompanying said Message.

Which being read,

Was ordered to the table.

The Senate, on motion of Mr. Warner, took up and considered a bill from the House of Representatives entitled

A bill to stay, if possible, the tide of ruin and distress which threatens to overwhelm the State, and to relieve the people from the pecuniary embarrassments which exist throughout our State, by establishing two terms of the Circuit Court, regulating judicial proceedings, and diminishing expenditures in the administration of justice.

Which bill was read a first time and passed.

When, on motion of Mr. Peyton,

It is ordered that fifty copies of said bill be printed for the use of the Senate.

On motion of Mr. Williams,

The Senate adjourned until to morrow morning, 9 o'clock, to afford the Joint Select Committee on laying off the State into Congressional Districts, further time to consider of and report a bill referred to them by a joint resolution of both Houses of the General Assembly.

SATURDAY, October 29, 1842.

The Senate was opened with prayer by the Rev. T. W. Randle, Pastor of the Methodist Episcopal Church in the city of Nashville.

The Senate, on motion of Mr. Gardner, took up and considered

A bill to relieve the people of this State by amending an act passed July 28th, 1820, chap. 11, entitled "an act to prevent a sacrifice of real estate," and for other purposes.

Which being read,

And the question recurring upon the adoption of the amendment of Mr. Reneau, as amended, offered to said bill.

When Mr. Nelson moved to amend said amendment by striking out the words "that it was," occurring in the 5th line of the 6th section, after the words "upon the same terms," and to insert in lieu thereof the words "on which it is made;" and further to amend said amendment by striking out the word "execution," occurring in the 12th line of the 7th section, after the words "the sum bid at the," and to insert in lieu thereof the word "original."

Which being read,

And the question upon the adoption of said amendment to the amendment offered by Mr. Reneau, being had, was determined in the affirmative.

So said amendment was adopted.

And the question again recurring upon the adoption of the amendment offered by Mr. Reneau, as amended, being had was determined in the affirmative.

So said amendment was adopted.

And said bill, as amended, was read a third and last time.

And the question upon the passage of said bill was had, and determined in the affirmative.

Yeas, - - - -	18
Nays, - - - -	3

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Frey, Gardner, Hardwicke, Jennings, Laughlin, Maclin, Miller, Nelson. Peyton, Powell, Reneau, Ross, Sevier, Waterhouse, Williams, and Mr. Speaker Turney—18.

The negative voters were,

Messrs. Foster, Ledbetter, and Warner—3.

So said bill, as amended, was passed upon its third and last reading in the Senate.

Was ordered to be engrossed and transmitted to the House of Representatives.

Ordered, That the clerk ask a concurrence therein.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and considered a bill from the Senate entitled

A bill to relieve the people by authorising the several Banks in this State to issue bills of the denomination of one dollar and upwards.

Which bill was passed upon its third and last reading, with sundry amendments, which amendments are herewith transmitted; in which amendments I am directed to ask the concurrence of the Senate.

And then he withdrew.

Mr. Reneau introduced

A bill to amend an act entitled "an act to encourage the culture of silk in the State of Tennessee;" passed February 4th, 1842; chap. 178

Which bill was read a first time and passed.

The Senate, on motion of Mr. Jennings, took up and considered a message from the House of Representatives, transmitting the Senate's bill, entitled

A bill to relieve the people, by authorising the several Banks in this State, to issue bills of the denomination of one dollar and upwards," passed upon its third and last reading, with sundry amendments, in the House of Representatives; in which the concurrence of the Senate is asked.

When Mr. Jennings moved that the Senate concur in the first amendment made by the House of Representatives to said bill.

When Mr. Hardwicke moved to lay said bill on the table.

And the question thereupon being had, was determined in the negative.

Ayes,	6
Nays,	16

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Hardwicke, Laughlin, Maelin, Ross, Warner, and Williams—6.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Ledbetter, Miller, Nelson, Peyton, Powell, Reneau, Sevier, Waterhouse, and Mr. Speaker Turney—16.

So said motion to lay said bill on the table was rejected.

The question then recurred upon the concurrence of the first amendment made to said bill by the House of Representatives.

Which being had, was determined in the affirmative.

Yeas,	14
Nays,	7

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Miller,

Nelson, Peyton, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney—14.

The negative voters were,

Messrs. Gardner, Hardwicke, Laughlin, Maclin, Powell, Reneau, and Ross—7.

So the Senate concur with the first amendment made by the House of Representatives to said bill.

Mr. Jennings moved that the Senate concur with the second amendment to said bill made by the House of Representatives.

And the question thereupon being had, was determined in the affirmative.

Ayes, - - -	14
Nays. - - -	7

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Foster, Frey, Hardwicke, Jennings, Laughlin, Ledbetter, Miller, Nelson, Peyton, Ross, Sevier, Warner, and Williams —14.

The negative voters were,

Messrs. Ashe, Gardner, Maclin, Powell, Reneau, Waterhouse, and Mr. Speaker Turney—7.

So the Senate concur with the second amendment made by the House of Representatives to said bill.

Ordered, That the clerk announce to the House of Representatives the concurrence of the Senate with the several amendments made by the House to said bill.

Ordered, That said bill be enrolled and signed by the Speaker of the Senate, and transmitted to the House of Representatives for the signature of the Speaker thereof.

The Senate, on motion of Mr. Ledbetter, took up the consideration of a resolution by him submitted on yesterday, directory to the public printer to publish a copy of the Governor's Message with the acts passed at the present extra session of the General Assembly, without the documents accompanying said Message.

Which being read,

Mr. Ledbetter moved the adoption of said resolution.

And the question thereupon being had, was determined in the affirmative.

Ayes, - - -	14
Nays, - - -	8

The ayes and nayes being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Ledbetter, Martin, Nelson, Peyton, Powell, Reneau, Sevier, and Williams—14.

The negative voters were,

Messrs. Hardwicke, Laughlin, Maclin, Miller, Ross, Warner, Waterhouse and Mr. Speaker Turney—8.

So said resolution was adopted.

Ordered, That said resolution be transmitted to the House of Representatives, and that the clerk announce its adoption and ask a concurrence therein.

Mr. Hardwicke moved that the Senate adjourn until Monday morning next, at 9 o'clock.

And the question thereupon being had, was determined in the negative.

Yeas, - - -	8
Nays, - - -	14

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Hardwicke, Jennings, Laughlin, Maclin, Martin, Peyton, and Mr. Speaker Turney—8.

The negative voters were,

Messrs. Bradberry, Foster, Frey, Gardner, Ledbetter, Miller, Nelson, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, and Williams—14.

So said motion to adjourn until Monday morning next was rejected.

Mr. Jennings moved that the Senate adjourn until Monday morning next, at 9 o'clock.

And the question thereupon being had, was determined in the negative.

Yeas, - - -	4
Nays, - - -	18

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Jennings, Martin, and Mr. Speaker Turney—4.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Hardwicke. Laughlin, Ledbetter, Maclin, Miller, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, and Williams—18.

So said motion to adjourn until Monday morning next was rejected.

The Senate, on motion of Mr. Jennings, took up the consideration of a message from the House of Representatives transmitting the Senate's

bill entitled "a bill to abolish imprisonment for debt," with an amendment thereto in lieu of the whole bill.

Which being read,

When Mr. Jennings moved that the Senate adjourn until Monday morning next, at 9 o'clock.

And the question was thereupon had, and determined in the affirmative.

Yeas, - - - - -	16
Nays, - - - - -	6

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Foster, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, Maclin, Martin, Peyton, Powell, Reneau, Ross, Sevier, Warner, and Mr. Speaker Turney—16.

The negative voters were,

Messrs. Bradberry, Frey, Miller, Nelson, Waterhouse, and Williams —6.

So the Senate adjourn until Monday morning next, at 9 o'clock.

MONDAY, October 31, 1842.

Mr. Johnson submitted the following, to wit:

A resolution for the relief of the people of this State, by authorising the Comptroller of the Treasury to settle with the Sheriff of Greene county, and authorise said sheriff to pay into the Treasury the taxes due for the year 1841.

Resolved by the General Assembly of the State of Tennessee, That it shall be the duty of the Comptroller of the Treasury to settle the account of the Sheriff of Greene county for the taxes of 1841, which has been reported for collection, and in making such settlement he shall be, and he is hereby authorised to allow all just and equitable credits for insolvencies which shall be furnished either by the affidavit of said Sheriff or from the records of the Courts of said county of Greene; *Provided*, that the said Sheriff shall still be liable to pay any costs, if any accrue, in any motion or suit at law instituted for the recovery of said revenue.

Which being read,

When, on motion of Mr. Johnson,

The rule of the Senate, requiring resolutions to lie over one day, being dispensed with, said resolution was adopted.

Ordered, That the clerk announce to the House of Representatives the adoption of said resolution, and ask a concurrence therewith.

Mr. Laughlin, Chairman of the Committee on Banks, to whom had been referred so much of the Governor's Message as relates to Banks, submitted the following report:

The Committee on Banks, to whom has been referred so much of the Governor's Message of the 4th instant as relates to the Bank of Tennessee, suggesting an amendment of the charter, and recommending the appointment of three commissioners as a board to investigate the affairs of the Bank and its branches, and report the same to the next session of the General Assembly, have had the same under consideration, and beg leave to report:

That from a careful examination of the authenticated report from the Bank of Tennessee, including all the branches, laid before the present and late session of the General Assembly, and from the statement of the Governor in that part of the executive message referred to the committee, that the recommendation of the amendment proposed by him to be made to the charter, limiting the accommodations to be extended to Directors in the institution to a prescribed amount, has "*not*" been made from any "knowledge" possessed by him "of abuses having obtained in the administration of the affairs" of the bank or branches; and from no facts falling within the knowledge of your committee, derived from any authentic source, are they enabled to find authority for saying that any abuses, or violations of prescribed official duties have at any time marked the administration of the affairs of the principal bank or its branches. The committee find, on the contrary, in regard to the principal bank, that they have abundant and satisfactory reasons for indulging the full belief that the affairs of the said bank have hitherto been conducted with a wise, prudent, and impartial regard for the interest of the State, in maintaining inviolate the public faith and credit, and without the violation of any duty prescribed by the charter, in regard to the accommodations extended to its Directors or other persons. Of the administration of the branch banks, the committee have not had access to the same means of ascertaining facts, but from the lights and evidence before them they find no authority for charging that abuses have been committed. The committee, however, from a sense of what they would have deemed to be a proper provision in the original charter, and to guard against the possibility of future abuse in loans and accommodations extended to bank directors, so far as the same can be done by law, beg leave to report the accompanying bill, entitled "a bill to amend the charter of the Bank of Tennessee," and respectfully recommend its passage.

From the previous statement made in this report of a total absence of proof of abuses in the administration of the affairs of the Bank and branches, and in view of the important fact that in less than twelve months a new General Assembly will be convened, composed of newly elected members coming directly from the several counties and districts in which the principal bank and branches are located, and in the absence of all proof or knowledge of any mis-management calling for the expensive investigation of a board of commissioners, and because the appointment of three commissioners, one residing in each of the grand divisions of the State, all of whom, as a board, would be required to act together in examining, taking proofs, investigating, and jointly reporting upon the condition and affairs of the principal bank and all its branches, some of the branches being nearly five hundred miles apart, would

be attended with much consumption of time, great labor, and a large amount of expense, payable out of the treasury or the funds of the bank, at a time when the most rigid frugality and economy are necessary to enable the treasury and bank to meet existing legal demands; and for other reasons, among which the committee would suggest the propriety of its being submitted to the wisdom of the next General Assembly to determine upon the propriety of the proposed investigation, and whether the same ought not, if made, to extend to the chartered stock banks, as well as the Bank of the State; the committee have deemed it to be their duty, upon a view of the whole subject, to recommend the adoption of the following resolution:

Resolved, That it is inexpedient at this time to appoint Commissioners to investigate and report upon the condition and affairs of the Bank of Tennessee and Branches, as recommended by the Governor in his message at the opening of the present extra session of the General Assembly.

All of which is respectfully submitted.

S. H. LAUGHLIN, Chairman.

Which being read,

On motion of Mr. Laughlin,

Said report, with the accompanying bill and resolution, was laid on the table.

The Senate, on motion of Mr. Gardner, took up the consideration of a bill from the House of Representatives entitled

A bill to stay, if possible, the tide of ruin and distress which threatens to overwhelm the State, and to relieve the people from the pecuniary embarrassments which exist throughout our State by establishing two terms of the Circuit Court, regulating judicial proceedings, and diminishing expenditures in the administration of justice"

Which being read,

When, on motion of Mr. Gardner,

Said bill is made the order of the day for Wednesday next, and ordered to the table.

Mr. Hardwicke in the Chair.

The Senate, on motion of Mr. Turney, took up the consideration of

A bill to relieve the people by directing property under execution to be sold on a credit of four months.

Which bill was read a second time,

When, on motion of Mr. Turney,

Said bill was referred to the Joint Select Committee on Relief.

The Senate, on motion of Mr. Reneau, took up the consideration of

A bill to amend an act entitled an act to encourage the culture of silk in the State of Tennessee, passed February 4th, 1842, chap. 178.

Which bill was read a second time.

And the question upon the passage of said bill being had, was determined in the affirmative.

Ayes, - - -	9
Nays, - - -	8

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Gardner, Hardwicke, Jennings, Johnson, Maclin, Munford, Nelson, and Reneau—9.

The negative voters were,

Messrs. Ashe, Laughlin, Matthews, Peyton, Powell, Waterhouse, Warner, and Mr. Speaker Turney—8.

So said bill was passed upon its second reading.

Mr. Frey, Chairman of the Committee on Enrollments, reported as correctly enrolled "a resolution for the relief of the people of this State, by authorising the Comptroller of the Treasury to settle with the Sheriff of Greene county, and authorise said Sheriff to pay into the Treasury the taxes due for the year 1841.

Which enrolled resolution was signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

Mr. Powell introduced

A bill to amend an act entitled an act to establish a State Bank to raise a fund for internal improvement and aid in the establishment of a system of education, passed January 19th, 1838.

Which bill was read a first time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled resolution entitled "a resolution for the relief of the people of the State by authorising the Comptroller of the Treasury to settle with the Sheriff of Greene county, and authorise said Sheriff to pay into the Treasury the taxes due for the year 1841: which I am directed to transmit to the Senate.

And then he withdrew.

Whereupon the Speaker of the Senate directed that said enrolled resolution be deposited in the office of the Secretary of State for the State of Tennessee.

The Senate, on motion of Mr. Nelson, adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Laughlin submitted the following:

Resolved by the General Assembly of the State of Tennessee, That the County Court of White county is hereby directed to appoint three competent commissioners to settle with the securities of Jonathan T. Bradley, late Sheriff of White county, for taxes and county revenue for the year 1841, and said commissioners shall allow them all just credits for insolvencies and delinquencies, and report the same to the said Court, and the said Court shall allow the same to be credited upon a judgment rendered against said securities in the Circuit Court of White county for the taxes and revenue aforesaid.

Which being read,

Was ordered to the table.
On motion of Mr. Powell,
The Senate adjourned until to-morrow morning, 9 o'clock.

TUESDAY, NOVEMBER 1, 1842.

The Senate was opened with prayer, by the Rev. R. B. C. Howell, Pastor of the Baptist Church, of the city of Nashville.

Mr. Foster, Chairman of the Committee on the Judiciary, to whom had been referred

A bill to relieve the people by creating and regulating conventional interests, suppressing usury and shaving notes,

Reports that said Committee have had the same under consideration, and had instructed him to report said bill with sundry amendments, herewith presented, which amendments are as follows:—amending said bill by striking out the first section thereof, "that the rate of conventional interest for the loan of money shall be ten per centum per annum, and at that rate for a longer or shorter time; that the contract for the loan of money at the rate of interest aforesaid shall be in writing, and that it shall and may be lawful to sue for and recover in any Court having jurisdiction thereof, the principal debt with the interest thereon at the rate aforesaid, specified in said contract; *Provided*, however, that judgment or decrees given or pronounced upon such contracts, shall bear legal interest from the rendition thereof, at the rate of six per centum per annum, until satisfaction of such judgment or decree shall be made." Also further amending said bill by striking out the third section of said bill, as follows, to wit:

"SEC. 3, *Be it enacted*, That legal interest shall be, as heretofore provided, at the rate of six per centum per annum, and at that rate for a longer or shorter time."

And further amending said bill by striking out of the caption the words "by creating and regulating conventional interest, and." And amending said bill by striking out the word "ten" after the words "a greater discount than," in the 8th line of the 4th section, and inserting in lieu thereof the word "six." That said Committee had instructed him to report and to recommend the passage of said bill with said amendments.

Which report being read,

And the question upon a concurrence in the report of said committee being had, was determined in the affirmative, relating to said amendments, striking out the first and third sections of said bill, and the amendment to the caption of said bill.

So said amendments were adopted.

Mr. Hardwick in the Chair.

Mr. Turney offered the following amendment in lieu of the fourth section, to wit:

"*Be it enacted*, That all notes, bonds, or other instruments, or judgments made or confessed by any person with intent to be sold or shaved, and the same shall be sold or shaved at a greater discount than at the

rate of six per cent per annum for a greater or shorter time, such notes, writing, or judgment shall be null and void.

Be it enacted, That if any person or persons shall purchase any note, bill, bond, or other instrument of writing, or judgment, with or without seal, whether for the payment of money or other valuable thing, at a greater discount than at the rate of six per cent per annum, for a greater or shorter time, the seller or endorser of such instrument shall in no case be liable to pay the same, or any part thereof, and the rules of pleading in cases of usury shall be applicable to the cases provided for in this act, and all contracts made contrary to this act shall be void and of no effect in law or equity."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the negative.

So said amendment was rejected.

Mr. Foster moved a concurrence in that part of the report of the Committee amending said bill by striking out the word "ten," in the 8th line of the 4th section of said bill, and inserting in lieu thereof the word "six."

And the question upon a concurrence in the report making said amendment being had, was determined in the negative.

Yeas, - - -	9
Nays, - - -	15

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Hardwicke, Johnson, Laughlin, Maclin, Matthews, Miller, Warner, Waterhouse, and Williams—9.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Ledbetter, Munford, Nelson, Peyton, Powell, Reneau, Ross, Sevier, and Mr. Speaker Turney—15.

So the Senate non-concur in the amendment to said bill reported by said Committee.

Mr. Foster offered the following amendment to said bill, to be inserted at the end of the second section, to wit:

"And all notes, bond, bills, and other contracts, judgments, or decrees, made or given, rendered or confessed, with the view, and for the purpose to raise or procure money, either directly or indirectly, by sale or transfer thereof, if sold or transferred by delivery or otherwise, or bartered to raise or procure money at a greater discount than six per cent., shall be in the purview and meaning of the first section of this act, and subject to the operations and provisions thereof."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Foster moved to amend said bill by striking out the 7th section thereof, as follows:

"SEC. 7. *Be it enacted*, That the provisions of the first section of this act shall not extend to, or embrace, nor be construed to extend to or embraee corporations."

Which being read,

And the question upon the adoption of said amendment, by striking out said section being had, was determined in the affirmative.

So said amendment was adopted.

And said bill as amended, was read a second time and passed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The Speaker of the House of Representatives did this day sign an enrolled bill entitled "an act to apportion the representation in the General Assembly of the State of Tennessee;" which I am directed to transmit to the Senate.

The House of Representatives has passed upon its third and last reading, "A bill to authorise the withdrawal of the State subscription, and the cancelling of the State bonds, issued to the Louisville, Cincinnati, and Charleston Rail Road Company."

Which I am directed to transmit to the Senate, and ask a concurrence therein.

And then he withdrew.

Whereupon, the Speaker of the Senate did sign said enrolled act, and directed that the same be re-transmitted to the House of Representatives, for the further action of the House, thereon to be had.

Mr. Frey, Chairman of the Committee on Enrolments, reports as correctly enrolled,

A bill entitled "an act to relieve the people, by authorising the several Banks in this State to issue notes of the denomination of one dollar and upwards."

Whereupon, the Speaker of the Senate did sign said enrolled act, and ordered that the same be transmitted to the House of Representatives, for the signature of the Speaker.

Mr. Jennings submitted the following:

Resolved, That the Committee on Claims be instructed to report on the merits of all claims against the present General Assembly, the payment for which proper provisions was not made at the regular session of said Assembly.

Which was read and ordered to the table.

The Senate, on motion of Mr. Waterhouse, took up the consideration of a resolution submitted by Mr. Laughlin on yesterday, directory to the County Court of White county, relating to certain credits sought to be obtained by the securities of Jonathan T. Bradley, late sheriff of White county, and collector of the State taxes and county revenue in said county, for the year 1841.

Which being read, was,

On motion of Mr. Foster,

Laid on the table.

The Senate, on motion of Mr. Powell, took up the consideration of

A bill to amend an act entitled "an act to establish a State Bank, to raise a fund for Internal Improvement, and aid in the establishment of a system of Education," passed January 19th, 1838.

Which bill was read a second time and passed.

On motion of Mr. Reneau,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled bill, entitled "an act to relieve the people, by authorising the several Banks in this State to issue bills of the denomination of one dollar and upwards;" which I am directed to transmit to the Senate.

The House of Representatives took up and considered a resolution adopted by the Senate, directory to the public printer, requiring the message of his Excellency the Governor of the State, delivered to the General Assembly at its extra session, to be printed with the acts of the extra session of this General Assembly, which resolution the House of Representatives have amended, and with said amendment concur therein; which I am directed to transmit to the Senate, and ask a concurrence with said amendment.

And then he withdrew.

Whereupon, the Speaker of the Senate directed that said enrolled act be deposited in the office of the Secretary of State, for the State of Tennessee.

On motion of Mr. Foster

The Senate adjourned until to-morrow morning, 9 o'clock, to afford the several Committees created by the General Assembly, further time to consider of the various subjects to them respectively referred, and to report thereon.

WEDNESDAY, November 2, 1842.

The Senate was opened with prayer by the Rev. —— Wharton, D. D. of the Christian Church.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr Speaker: The House of Representatives have taken up and read a memorial from three hundred and nineteen citizens of Giles county, praying that this General Assembly pass the relief bill now under consideration of the General Assembly, also, a memorial from one hundred and fifty-one citizens of Giles county, protesting against the passage of said bill; which I am directed to transmit to the Senate.

And then he withdrew.

The Senate, on motion of Mr. Warner, resolved itself into a Committee of the whole, upon the consideration of a bill from the House of Representatives, entitled.

A bill to stay if possible, the tide of ruin and distress which threatens to overwhelm the State, and to relieve the people from the pecuniary embarrassments which exist throughout our State, by establishing two terms of the Circuit Court, regulating judicial proceedings, and diminishing expenditures in the administration of justice.

Mr. Frey in the Chair.

And after some time spent in the consideration of said bill,

When Mr. Speaker Turney resumed the chair, and Mr. Frey, chairman of said committee, reports that said committee have had said bill under consideration, according to order, and had instructed him to report that some progress had been made in the consideration of said bill, and asked that said committee have leave to sit again at 2 o'clock, P. M.

Which was granted.

On motion of Mr. Gardner,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Martin presented a memorial from twenty-five citizens of Maury county, protesting against the passage of a bill now before the General Assembly of the State of Tennessee, called the court bill, having for its object the relief of the people.

Which being read,

On motion of Mr. Martin,

It is ordered that said memorial be transmitted to the House of Representatives.

The Senate, on motion of Mr. Powell, took up the consideration of

A bill to amend an act entitled "an act to provide for the payment of two hundred thousand dollars to East Tennessee and the Western District, in full discharge of their claim against the State, for River Bonds, under the act of 1837—8, and for other purposes, passed of 1842, chap. 77.

Which bill was read a thid time,

When Mr. Ledbetter moved to amend said Bill by adding thereto the following, constituting the 7th section of said bill, to wit:

"SEC. 7. *Be it enacted*, That no part of the said sum of two hundred thousand dollars, appropriated by the act to which this is a supplement, except so much as may be necessary to pay for work already done, upon said rivers, shall be paid by the Bank or its Branches, before the first day of April, 1844.

Which being read,

When Mr. Foster moved to amend said amendment, by adding thereto the following:

"And to secure the payment of what shall hereafter become due of said sum of two hundred thousand dollars, for work and laber to be done upon the objects for which said money was appropriated, or money expended on the same, the commissioners shall give a certificate to the person entitled to the same, which, when presented to the Bank or Branches, shall be accepted, payable the 1st of April, 1844, and said

certificate or certificates shall be taken in payment of the debt due said Bank and Branches shall pay whatever may be due as provided in the bill to which this act is an amendment."

Which amendment being read,

When Mr. Williams moved to lay said bill with the proposed amendments on the table.

And the question thereon being had, was determined in the negative.

Ayes,	12
Nays,	12

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Foster, Frey, Hardwicke, Laughlin, Ledbetter, Matthews, Peyton, Ross, Warner, Williams, and Mr. Speaker Turney—12.

The negative voters were,

Messrs. Ashe, Gardner, Jennings, Johnson, Maclin, Miller, Munford, Nelson, Powell, Reneau, Sevier, and Waterhouse—12.

So said motion to lay said bill with the amendments proposed thereto, on the table, was rejected.

Mr. Laughlin moved to lay said bill with the amendments, on the table, and that it be made the order of the day for to-morrow, at 2 o'clock, P. M.

And the question thereupon being had, was determined in the affirmative.

So said bill with the amendments thereto was laid on the table, and made the order of the day for to-morrow, at 2 o'clock, P. M.

The Senate, on motion of Mr. Foster, took up and considered

A bill to relieve the people, by suppressing usury, and shaving notes.

Which bill was read a third and last time,

When Mr. Powell moved to amend said bill by adding to the 3rd section of said bill the following proviso, to wit:

"*Provided*, That nothing in this act shall be so construed as to allow any body politic or corporate, to purchase any note, bond, bill, judgment, decree, or other writing, for the payment of money or other valuable thing, at a greater discount than six per cent., or at a greater rate than they are now allowed to do, by their charter."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

Yeas,	19
Nays,	5

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Gardner, Hardwicke, Johnson, Led-

Ledbetter, Maclin, Martin, Matthews, Miller, Munford, Peyton, Powell, Reneau, Ross, Warner, Waterhouse, and Mr. Speaker Turney—19.

The negative voters were,

Messrs. Frey, Jennings, Laughlin, Nelson, and Sevier—5.

So said amendment was adopted.

Mr. Maclin moved to amend said bill by striking out the words "ten" in the 7th line of the 2nd section, occurring after the words "at a greater rate of discount than" and inserting in lieu thereof the word "six."

And the question upon the adoption of said amendment being had, was determined in the negative.

Yeas,	9
Nays,	16

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Hardwicke, Johnson, Laughlin, Maclin, Matthews, Miller, Warner, Waterhouse, and Williams—9.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Ledbetter, Martin, Munford, Nelson, Peyton, Powell, Reneau, Ross, Sevier, and Mr. Speaker Turney—16.

So said amendment was rejected.

And said bill as amended, was read a third and last time.

And the question upon the passage of said bill being had, was determined in the affirmative.

Ayes,	13
Nays,	12

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Laughlin, Ledbetter, Martin, Munford, Peyton, Powell, Reneau, Ross, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Frey, Gardner, Hardwicke, Jennings, Johnson, Maclin, Matthews, Nelson, Sevier, Warner, Waterhouse, and Williams—12.

So said bill as amended was passed upon its third and last reading in the Senate, and ordered to be engrossed and transmitted to the House of Representatives.

Ordered, That the clerk ask a concurrence therein.

On motion of Mr, Gardner,
The Senate adjourned until to-morrow morning, 9 o'clock.

THURSDAY, NOVEMBER 3, 1842.

The Senate was opened with prayer by the Rev. —— Wharton, Pastor of the Christian Church, in the city of Nashville.

The Senate, on motion of Mr. Ross, took up and considered a message from the House of Representatives, transmitting two memorials from the citizens of Giles county, directed to the General Assembly now in session, one memorial signed by three hundred and nineteen gentlemen, praying the passage of a relief law—one memorial signed by one hundred and fifty-one gentlemen, protesting against the passage of the bill now before the General Assembly, commonly called the relief bill.

Which memorials being read, were,
On motion of Mr. Ross,
Referred to the Joint Select Committee on Relief.

Mr. Laughlin submitted the following:

Resolved, That the Committee on Relief be instructed to prepare and report a bill avoiding in the provisions of the same, all conflict with the constitutional rights of parties, providing for the valuation of personal property levied on by execution, and fixing the rate of valuation at which the same may be sold, which shall not be less than three fourths of its actual value; the said bill to be so prepared as to conform in its provision to the principles of the second, third, sixth, eighth and ninth sections of the act of the 23d of October, 1823, chapter 12, entitled "an act to amend the several laws regulating proceedings on executions."

Which being read,
Was ordered to the table.

Mr. Reneau introduced
A bill to regulate the proceedings of Justices of the Peace, and appeals from their judgments.

Which was read a first time and passed.

A message from the House of Representatives, by Mr. Mitchel, their clerk:

MR. SPEAKER: The House of Representatives have taken up and read a memorial from James H. Reagan, Brigadier General of the 6th Brigade, in behalf of six sevenths of the Militia of said Brigade, praying the repeal of the law abolishing spring-musters; which I am directed to transmit to the Senate.

And then he withdrew.

Mr. Martin introduced
A bill to regulate the fees of constables in certain cases.

Which bill was read a first time and passed.

The Senate, on motion of Mr. Warner, resolved itself into Committee of the whole, upon the unfinished business of yesterday, upon the consideration of a bill from the House of Representatives, entitled

A bill to stay, if possible, the tide of ruin and distress, which threatens to overwhelm the State, and to relieve the people from the pecuniary embarrassments which exist throughout our State, by establishing two

erms of the Circuit Court, regulating judicial proceedings, and diminshing expenditures in the administration of justice.

Mr. Frey in the Chair.

And after some time spent in the consideration of said bill.

When Mr. Speaker Turney resumed the chair, and said committee asked and obtained leave to rise,

When Mr. Frey, Chairman of said committee reports that said committee have had said bill under consideration according to order, and had instructed him to report that some progress had been made thereon, and asked and obtained leave to sit again.

Mr. Martin introduced

A bill to relieve the people of Tennessee, by reducing the jurisdiction of Justices of the Peace in this State, to fifty dollars, in all cases.

Which bill was read a first time and passed.

On motion of Mr. Johnson.

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Gardner, Chairman of the Joint Select Committee, to whom had been referred a joint resolution of both Houses of the General Assembly, with instructions to report a bill laying off the State into Congressional Districts, under the apportionment bill passed at the late session of the Congress of the United States, reports that said committee have had the same under consideration, and that said committee had instructed him to report that they could not agree upon a bill laying off said State into Congressional Districts, and ask to be discharged from the further consideration thereof.

Which being read,

The Senate concur therein.

And said committee, from the further consideration thereof is discharged.

The Senate, on motion of Mr. Powell, took up the consideration of

A bill to amend an act entitled "an act to provide for the payment of two hundred thousand dollars to East Tennessee and the Western District, in full discharge of their claim against the State, for River Bonds, under the act of 1837—8, and for other purposes, passed of 1842, chap. 77.

Which being read,

And the question upon the adoption of the amendment proposed by Mr. Ledbetter, and the amendment offered by Mr. Foster to the amendment of Mr. Ledbetter, which Mr. Ledbetter had accepted on yesterday, being had, was determined in the negative.

Yeas, - - - -	9
Nays, - - - -	15

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Hardwicke, Laughlin, Ledbetter, Martin, Matthews, Peyton, Ross, and Warner—9.

The negative voters were,

Messrs. Ashe, Frey, Gardner, Jennings, Johnson, Maclin, Miller, Munford, Nelson, Powell, Reneau, Sevier. Waterhouse, Williams, and Mr. Speaker Turney—15.

So said amendment was rejected.

Mr. Waterhouse moved to amend said bill by adding thereto the following, constituting the 7th and 8th sections of said bill, as follows:

"SEC. 7 *Be it enacted*, That Moses Easterly, Absolem Dickens, and Erasmus Alley be appointed Commissioners for the purpose of receiving the three thousand dollars to be appropriated to the Sequatchee river, within the limits of Marion county. And that John Bridgeman, Adam Lamb, and James L. Schoo field be appointed Commissioners for the purpose of receiving the two thousand dollars appropriated to be expended upon the Sequatchee river, within the limits of Bledsoe county."

"SEC. 8. *Be it enacted*, That David A. Deaderick, Thos. Brown, and Erasmus Alley be appointed Commissioners to receive ten thousand dollars, part of the one hundred thousand dollars appropriated for the improvement of the rivers of East Tennessee, and which has not been appropriated to any particular object, and they shall dispose of it agreeable to an act of the General Assembly, passed 26th January, 1838, entitled 'an act to establish a Board of Commissioners' for the improvement of the navigation of the rivers in Tennessee, east of Knoxville,' and the Bank of Tennessee shall pay to said Commissioners, upon their check, ten thousand dollars."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Ashe moved to amend said bill by adding thereto the following, constituting the 9th, 10th, 11th, and 12th sections of said bill, as follows:

SEC. 9. *Be it enacted*, That the Commissioners in this act appointed for the Forked Deer river shall have power, and authority is hereby given to them, to draw twelve thousand dollars out of the fund appropriated for the clearing out and improvement of the Forked Deer river, which sum of twelve thousand dollars said Commissioners are hereby authorised to appropriate in the purchase of negroes and other means in their judgment best calculated to secure and facilitate the clearing out and improvement of the navigation of the said Forked Deer river; and said Commissioners shall make and keep a correct account of money expended by them, and of the property by them so purchased, which shall be returned by them to the County Court of Madison county, and put on record in said Court.

SEC. 10. *Be it enacted*, That said Commissioners shall use and employ the negroes or other means so by them purchased, in the improve-

ment and clearing out of said Forked Deer river, and when the same shall have been completed, or sooner, if by them deemed prudent and proper, sell said negroes or other means, the proceeds of which shall revert to and constitute a part of the original fund appropriated to the said river.

SEC. 11. *Be it enacted*, That said Commissioners, before having power to draw said twelve thousand dollars, shall give bond with sufficient security, approved of by the County Court of Madison county, in the sum of twenty-five thousand dollars, payable to the Chairman of the County Court of Madison county, or his successor in office, conditioned that said Commissioners shall well and truly perform and discharge the duties enjoined on them by this act, as such Commissioners, and shall furthermore take an oath before said County Court of Madison county well and truly and faithfully to the best of their skill and ability to discharge and perform the duties enjoined upon them as such Commissioners.

SEC. 12. *Be it enacted*, That said Commissioners shall have the right and power to use and appropriate so much of said twelve thousand dollars, not exceeding two thousand dollars, as may be proper and necessary to defray the expenses necessarily incident to the clearing out and improving said Forked Deer river.

Which being read,

And the question upon the adoption of said amendment being had, was determined in the negative.

Yeas,	10
Nays,	14

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Gardner, Maclin, Millet, Nelson, Peyton, Powell, Waterhouse, Williams, and Mr. Speaker Turney—10.

The negative voters were,

Messrs. Bradberry, Frey, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Martin, Matthews, Munford, Reneau, Ross, Sevier, and Warner.—14.

So said amendment was rejected.

Mr. Matthews offered the following amendment to said bill:

"*Provided*, That whenever the provisions of this act shall so embarrass the Bank of Tennessee as to weaken her liabilities to pay the interest on the common school funds due the different counties, or render uncertain the ability of the Bank of Tennessee to pay promptly the interest on the State Bonds, and thereby effect the credit of the State of Tennessee, that then the provisions of this act shall be suspended."

Which being read,

When Mr. Nelson moved that said amendment be laid on the table.

And the question thereupon being had, was determined in the affirmative.

Ayes,	17
Nays,	8

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Johnson, Maclin, Miller, Munford, Nelson, Powell, Reneau, Sevier, Waterhouse, Williams, and Mr. Speaker Turney—17.

The negative voters were,

Messrs. Hardwicke, Laughlin, Ledbetter, Martin, Matthews, Peyton, Ross, and Warner—8.

So said motion to lay said amendment on the table prevailed.

Mr. Johnson moved to amend said bill by adding thereto the following, constituting the 9th section of said bill, as follows:

"SEC. 9. *Be it enacted*, That James Guthrie and Ellis Carter be, and they are hereby Commissioners for Lick Creek, in Greene county."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Foster moved to amend said bill by adding thereto the following:

"*Provided*, That the Bank and its branches shall not pay out under this act, or under the act this act is intended to amend, any larger sum than two hundred thousand dollars, and which sum shall be paid out in the way and manner provided and directed in this act."

Which being read,

When Mr. Powell moved to lay said amendment on the table.

And the question thereupon being had, was determined in the negative.

Yeas,	10
Nays,	14

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Johnson, Maclin, Miller, Nelson, Powell, Reneau, Sevier, Waterhouse, and Williams—10.

The negative voters were,

Messrs. Bradberry, Foster, Frey, Hardwicke, Jennings, Laughlin, Ledbetter, Martin, Matthews, Munford, Peyton, Ross, Warner, and Mr. Speaker Turney—14.

So said motion to lay said amendment on the table was rejected.

Mr. Powell moved to amend the amendment proposed by Mr. Foster by adding thereto the following:

"And *Provided*, that the sums specifically appropriated to the several

rivers in this State shall be subject to the order or draft of the respective boards of Commissioners appointed by this act for said rivers, and said draft or order shall be signed by two or more of said Commissioners, and said draft or order shall be a sufficient voucher to the proper officer of the Bank as having paid to said respective boards the amount of each order, and check or draft."

Which being read,

Mr. Foster accepted said amendment.

And the question upon the adoption of the amendment offered by Mr. Foster, as amended by Mr. Powell, being had, was determined in the affirmative.

Yeas, - - - - -	16
Nays, - - - -	9

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Hardwicke, Jennings, Laughlin, Ledbetter, Martin, Matthews, Munford, Peyton, Reneau, Ross, Warner, and Mr. Speaker Turney—16.

The negative voters were,

Messrs. Gardner, Johnson, Maclin, Miller, Nelson, Powell, Sevier, Waterhouse, and Williams—9.

So said amendment was adopted.

Mr. Laughlin offered the following amendment to said bill:

"SEC. 10. *Be it enacted*, That in disbursing said money appropriated by this act, and the act which it is intended to amend, no more than two hundred thousand dollars shall be paid in full discharge of principal and interest."

Which being read,

When Mr. Powell moved to lay said amendment on the table.

And the question upon laying said amendment on the table being had, was determined in the affirmative.

Yeas, - - - -	14
Nays, - - -	10

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Frey, Gardner, Jennings, Johnson, Maclin, Miller, Nelson, Powell, Reneau, Sevier, Waterhouse, Williams, and Mr. Speaker Turney—14.

The negative voters were,

Messrs. Bradberry, Hardwicke, Laughlin, Ledbetter, Martin, Matthews, Munford, Peyton, Ross, and Warner—10.

L. of C.

So said motion to lay said amendment on the table prevailed.

And said bill, as amended, was read a third and last time.

And the question recurring upon the passage of said bill was had and determined in the affirmative.

Ayes,	16
Nays,	9

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Foster, Frey, Gardner, Jennings, Johnson, Maclin, Miller, Munford, Nelson, Powell, Reneau, Sevier, Waterhouse, Williams, and Mr. Speaker Turney—16.

The negative voters were,

Messrs. Bradberry, Hardwicke, Laughlin, Ledbetter, Martin, Matthews, Peyton, Ross, and Warner—9.

So said bill, as amended, was passed upon its third and last reading in the Senate.

Was ordered to be engrossed and transmitted to the House of Representatives.

Ordered, That the clerk acquaint the House therewith, and ask a concurrence therein.

On motion of Mr. Johnson,

The Senate adjourned until to-morrow morning, 9 o'clock.

FRIDAY, November 4, 1842.

The Senate was opened with prayer by the Rev. —— Wharton, Pastor of the Christian Church, in the city of Nashville.

The Senate, on motion of Mr. Laughlin, took up the consideration of a bill reported by the Committee on Banks, entitled

A bill to amend the Charter of the Bank of Tennessee.

Which bill was read a first time and passed.

The Senate, on motion of Mr. Peyton, resolved itself into a Committee of the Whole upon a bill from the House of Representatives, entitled

A bill to stay, if possible, the tide of ruin and distress which threatens to overwhelm the State, and to relieve the people from the pecuniary embarrassments which exist throughout the State, by establishing two terms of the Circuit Court, regulating judicial proceedings, and diminishing expenditures in the administration of justice.

Mr. Frey in the Chair.

And after some time spent in the consideration of said bill,

Mr. Peyton moved that said Committee rise.

Mr. Speaker Turney resumed the Chair.

Mr. Frey, Chairman of the committee, reports that said committee have had said bill under consideration, according to order, and had instructed him to report that some progress had been made in the consid

eration of said bill, and asked and obtained leave to sit again at 2 o'clock, P. M.

On motion of Mr. Maclin,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The House of Representatives have taken up and passed upon its third and last reading, a bill entitled "a bill to amend the charter of the Bank of Tennessee, and for other purposes;" which I am directed to transmit to the Senate and ask a concurrence therewith.

And then he withdrew.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The House of Representatives have considered and adopted a resolution proposing that this General Assembly will adjourn on Monday the 14th instant *sine die;* which I am directed to transmit to the Senate, and to ask a concurrence therein.

And then he withdrew.

The Senate again went into Committee of the Whole upon the further consideration of a bill from the House of Representatives, entitled

A bill to stay, if possible, the tide of ruin and distress which threatens to overwhelm the State, and to relieve the people from the pecuniary embarrassments which exist throughout the State, by establishing two terms of the Circuit Court, regulating judicial proceedings, and diminishing expenditures in the administration of justice.

Mr. Frey in the Chair.

And after some time spent in the consideration of said bill,

Mr. Ross moved that said committee rise.

Mr. Speaker Turney resumed the Chair.

And Mr. Frey, Chairman of the committee, reports that said committee have had said bill under consideration, according to order, and had instructed him to report that some progress had been made in the consideration thereof, and asked and obtained leave to sit again.

Mr. Laughlin presented the petition of sixty-four citizens of Coffee county, against the change of Courts, and altering the jurisdiction of justices of the peace.

Which being read,

Was, on motion of Mr. Laughlin,

Ordered to be transmitted to the House of Representatives.

On motion of Mr. Williams,

The Senate adjourned until to-morrow morning, 9 o'clock.

SATURDAY, NOVEMBER 5, 1842.

The Senate was opened with prayer, by the Rev. R. B. C. Howell, Pastor of the Baptist Church, of the city of Nashville.

The Senate, on motion of Mr. Nelson, took up the consideration of a message from the House of Representatives transmitting a resolution adopted by the House proposing that this General Assembly do adjourn on Monday the 14th inst. *sine die.*

Which being read,

And the question upon a concurrence with said resolution by the Senate being had, was determined in the affirmative.

Yeas, - - - -	19
Nays, - - - -	3

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Ledbetter, Matthews, Miller, Munford, Nelson, Peyton, Powell, Ross, Sevier, Warner, Waterhouse, and Mr. Speaker Turney—19.

The negative voters were,

Messrs. Maclin, Martin, and Reneau—3.

So the Senate concur therewith.

Ordered, That the clerk announce to the House of Representatives the concurrence of the Senate with said resolution.

The Senate again went into Committee of the Whole upon the further consideration of a bill from the House of Representatives, entitled

A bill to stay, if possible, the tide of ruin and distress which threatens to overwhelm the State, and to relieve the people from the pecuniary embarrassments which exist throughout the State, by establishing two terms of the Circuit Court, regulating judicial proceedings, and diminishing expenditures in the administration of justice.

Mr. Frey in the Chair.

And after some time spent in the consideration of said bill,

Mr. Speaker Turney resumed the Chair.

And Mr. Frey reported that said committee had, according to order, had said bill under consideration, and had instructed him to report that some progress had been made in the consideration thereof, and asked and obtained leave to sit again at 2 o'clock, P. M., on this day.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and read a memorial from twenty-six citizens of Smith county, protesting against the passage of the relief bill.

Also, a memorial from fifty-three citizens of Giles county, protesting against the passage of the relief bill.

And a memorial from thirty-three citizens of Overton county, praying the passage of the relief bill now pending before the General Assembly of the State of Tennessee; which several memorials I am directed to transmit to the Senate.

And then he withdrew.

On motion of Mr. Bradberry,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate again went into Committee of the Whole upon the consideration of a bill from the House of Representatives, entitled

A bill to stay, if possible, the tide of ruin and distress which threatens to overwhelm the State, and to relieve the people from the pecuniary embarrassments which exist throughout the State, by establishing two terms of the Circuit Court, regulating judicial proceedings, and diminishing expenditures in the administration of justice.

Mr. Hardwicke in the Chair.

And after some time spent in the consideration of said bill,

Mr. Speaker Turney resumed the Chair.

And Mr. Frey reported that said committee had, according to order, had said bill under consideration, and had directed him to report said bill with sundry amendments, herewith submitted, which amendments are as follows: by striking out the caption of said bill, as follows—"a bill to stay, if possible, the tide of ruin and distress which threatens to overwhelm the State, and to relieve the people from the pecuniary embarrassments which exist throughout our State, by establishing two terms of the Circuit Court, regulating judicial proceedings, and diminishing expenditures in the administration of justice," and insert in lieu thereof the following: "a bill to relieve the people from expense, to reduce the expenses in the administration of the law, to establish two terms of the Circuit Court, and for other purposes;" inserting in the first line of the third section after the words "or final," the words "in civil causes;" striking out in the second line of the 3rd section, after the words, "as now established by law," the words "before the passage of this act;" inserting in the third line of the third section, after the words "has not been made," the words "and all original process that shall hereafter issue," and adding to the last line in said third section the words "except as otherwise herein directed;" and with said amendments to recommend the passage of said bill, and said committee from the further consideration of said bill ask to be discharged.

Which request was granted.

Which report being read,

And the question upon a concurrence in the report of the committee being had, was determined in the affirmative.

So the Senate concur in said amendments made to said bill in Committee of the Whole Senate.

And said bill, as amended, was read a second time.

When Mr. Martin offered the following amendment as a proviso, at the end of the 4th section of said bill, as follows:

"*Provided*, That said Circuit Courts shall have all the powers and jurisdictions in criminal causes that they would have had if this act had not been passed, and the County Courts shall appoint jurors for said intervening terms, and the Sheriffs and deputy Sheriffs shall summon them in the same way as is now pointed out by law, and if the County Courts have appointed jurors already they shall attend in the same manner as if

no change had been made, and if the County Courts fail to appoint jurors for such intervening terms, the Circuit Courts may order the Sheriffs to summons twenty-five or thirty-seven good and lawful men, in the discretion of said Court, and out of the jurors appointed by the County Courts or summoned under the order of the Circuit Courts, a Grand Jury shall and may be empannelled, sworn, and charged, and have the same powers, duties, and privileges as Grand Jurors possess by the general laws of this State at the regular terms of said Courts, and said Courts, at such intervening terms, shall in every respect proceed with criminal business of every kind, in the same manner, and under the same rules and regulations as now prescribed by law."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Ledbetter moved to amend said bill by striking out the 5th section thereof, as follows:

"SEC. 5. *Be it enacted*, That where an execution shall have been issued, or may hereafter be issued from the Chancery and Circuit Courts, and shall have been, or hereafter may be levied upon the personal property of the defendant or defendants, and bond with security shall have been or may hereafter be given by such defendant or defendants, for the delivery of the property upon the day of sale, according to the law now in force, and the same shall be forfeited in whole or in part, it shall be the duty of the officer holding such execution and delivery bond, to return the same to the Court to which such execution is returnable by law, and thereupon it shall be the duty of the Clerk of such Court to issue an alias execution with a copy of the delivery bond, returnable to the first term of said Court holden under this act, and the officer into whose hands the same may come shall proceed to satisfy the same out of the property of the defendant or defendants in said execution, if to be found; but if there shall not be property sufficient of said defendant or defendants in said execution, to satisfy the same, then the officer holding said execution and copy of delivery bond, shall proceed to levy upon the property of the securities in the forfeited bond, to satisfy so much of the debt in said execution as the property for which said security became bound was valued at, under the provisions of the first section of the act of 1831, chapter 25, and which was not delivered pursuant to said bond *Provided, however*, that any lien, of judgment or execution, which the plaintiff may have acquired, shall not be altered or affected by the provisions of the above section of this act."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

Ayes, - - - - -	15
Nays, - - - - -	10

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Led-

better, Matthews, Munford, Nelson, Powell, Ross, Sevier, Williams, and Mr. Speaker Turney—15.

The negative voters were,

Messrs. Ashe, Bradberry, Laughlin, Maclin, Martin, Miller, Peyton, Reneau, Warner, and Waterhouse—10.

So said amendment was adopted.

Mr. Foster moved to amend said bill by striking out the 6th and 7th sections thereof, as follows:

"SEC. 6. *Be it enacted*, That it shall be the duty of the Sheriff or other officer returning the execution and delivery bond into Court, as directed in this act, in case said bond shall be forfeited in part, to endorse thereon the property not delivered on the day of sale, and said Sheriff or other officer, taking the delivery bond, shall particularly specify thereon the valuation of each article of property so levied upon."

"SEC. 7. *Be it enacted*, That executions which shall have been issued, or may hereafter be issued from the Supreme Court, shall be returned to the next succeeding term of said Court, and all laws, or parts of laws, authorising and requiring executions issuing from said Supreme Court to be returned at any other or different time, be, and the same is hereby repealed."

Which being read.

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Warner offered the following as an amendment to said bill, in lieu of the 9th section of said bill, to wit:

SEC. 9. *Be it enacted*, That appeals taken from judgments rendered by justices of the peace to the Circuit Courts shall be allowed and taken in the same way and manner as by law is now provided, which appeal, when returned to the Circuit Court, shall be placed upon the appearance docket of said Court, and stand for trial at the succeeding term of said Court, and if the judgment or judgments rendered by the justice shall be affirmed, said affirmance of the judgment shall be with interest at the rate of six per cent per annum, from the rendition of said judgment to the time of affirmance.

And the question upon the adoption of said amendment in lieu of the 9th section of said bill, being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Foster moved to amend said bill by striking out the 10th section thereof, as follows:

"SEC. 10. *Be it enacted*, if the judgment on which said appeal is taken shall be affirmed, then the appellant shall be decreed to pay the appellee six per cent interest from the passing of the judgment before the justice of the peace, and no more."

Which being read,

And the question upon the adoption of said amendment, by striking out the 10th section of said bill, being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Foster offered the following amendment, constituting the 8th section of said bill, as follows:

"SEC. 8 *Be it enacted*, That no original process returnable to the first term of the several Circuit Courts to be holden under this act, shall be abated or quashed for any defect or omission in the term of the Court from which said original process was issued, but the same shall be as good and valid as if tested of the proper term."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Hardwicke moved a reconsideration of the vote of the Senate, striking out the fifth section of said bill.

And the question recurring upon the passage of said bill as amended, being had, was determined in the affirmative.

Ayes, - - - - -	13
Nays, - - - - -	12

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Foster, Laughlin, Ledbetter, Maclin, Martin, Miller, Munford, Peyton, Powell, Reneau, Warner, Waterhouse, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Ashe, Bradberry, Frey, Gardner, Hardwicke, Jennings, Johnson, Matthews, Nelson, Ross, Sevier, and Williams—12.

So said bill as amended, was passed upon its second reading in the Senate.

Mr. Martin introduced

A bill for the relief of those whose notes are made payable in any of the Banks of Tennessee, in the court the paper of such Bank shall become depressed.

Which bill was read a first time and passed.

The Senate, on motion of Mr. Jennings, took up the consideration of a resolution by him submitted on the 1st inst., directory to the Committee on Claims, &c.

Which being read,

When Mr. Jennings moved to amend said resolution by striking out the word "claims," and to insert in lieu thereof the word "finance."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

The question then recurred upon the adoption of said resolution as amended, which being had, was determined in the affirmative.

So said resolution was adopted.

The Senate, on motion of Mr. Foster, took up the consideration of a resolution directory to the County Court of White county, to appoint commissioners to settle with the securities of Jonathan T. Bradley, late sheriff of White county, and collector of the State Tax and county revenue, in said county, for the year 1841, directing that credits for delinqencies and insolvencies, if any, be extended to said securities.

Which being read,

And the question upon the adoption of said resolution being had, was determined in the affirmative.

So said resolution was adopted.

Ordered, That said resolution be engrossed and transmitted to the House of Representatives, and that the clerk announce to the House its adoption by the Senate, and ask a concurrence therein.

The Senate, on motion of Mr. Powell, took up the consideration of a message from the House of Representatives, transmitting the Senate's bill entitled

A bill to abolish imprisonment for debt; with an amendment thereto, in lieu of the whole bill, adopted by the House of Representatives, in which amendment the House asks the concurrence of the Senate.

Which being read,

And the question "will the Senate concur in the amendment made by the House of Representative to said bill?" being had, was determined in the affirmative.

Yeas,	-	-	-	18
Nays,	-	-	-	7

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Munford, Peyton, Powell, Reneau, Ross, Sevier, Waterhouse, and Mr. Speaker Turney—18.

The negative voters were,

Messrs. Foster, Frey, Gardner, Jennings, Nelson, Warner, and Williams—7.

So the Senate concur in the amendment made by the House of Representatives, in lieu of the whole bill.

Ordered, That the clerk announce to the House of Representatives the concurrence of the Senate in the amendment adopted by the House in lieu of the whole bill.

Ordered, That said bill be enrolled and signed by the Speaker of the Senate, and transmitted to the House of Representatives, and presented for the signature of its Speaker.

The Senate, on motion of Mr. Martin, took up and considered

A bill to regulate the fees of constables, in certain cases.

Which bill was read a second time and passed.

On motion of Mr. Martin,

The Senate adjourned until Monday morning next, at 9 o'clock.

MONDAY, NOVEMBER 7, 1842.

The Senate was opened with prayer by the Rev. S. G. Burney, Pastor of the Cumberland Presbyterian Church, in the city of Nashville.

The Senate, on motion of Mr. Foster, took up the consideration of

A bill from the House of Representatives, entitled "a bill to amend the charter of the Bank of Tennessee, and for other purposes."

Which bill was read a first time and passed.

The Senate, on motion of Mr. Williams, took up the consideration of

A bill to provide for the redemption of slaves, and other personal property.

Which bill was read,

When Mr. Williams moved to amend said bill by striking out of the 18th line of the 3rd section of said bill, after words "the further sum of" the word, "tweniy," and to insert in lieu thereof the word "ten."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Laughlin moved to amend said bill by adding thereto, at the end of the first section, the following proviso:

"*Provided*, That all negroes levied on by execution, or sold under any decree in Chancery, shall be at the Court house, and advertised as required by law, and all such sales shall be on the first day of the setting of same County, Circuit, or Chancery Court."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Waterhouse moved to amend said bill, by adding thereto the following:

SEC. *Be it enacted*, That all the provisions of this act shall extend to, and be applied to all sale or sales of property which shall be made after the passage of this act, under deeds of trust.

Which being read,

And the question upon the adoption of said amendment being had, was determined in the negative.

Ayes, - - -	4
Nays, - - -	21

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Hardwicke, Ross, Waterhouse, and Mr. Speaker Turney—4.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Munford, Nelson, Peyton, Powell, Reneau, Sevier, Warner, and Williams—21.

So said amendment was rejected.

When, on motion of Mr. Laughlin,

Said bill was laid on the table.

The Senate, on motion of Mr. Nelson, took up the consideration of a bill from the House of Representatives, entitled

A bill to authorise the withdrawal of the State subscription, and the cancelling of the State Bonds, issued to the Louisville, Cincinnati, and Charleston Rail Road Company.

Which bill was read a first time and passed.

Mr. Hardwicke in the Chair.

The Senate, on motion of Mr. Martin, took up the consideration of

A bill for the relief of those whose notes were made payable in any of the Banks of Tennessee, in the event the paper of such Banks should become depreciated.

Which bill was read a second time,

And the question upon the passage of said bill being had, was determined in the negative.

Ayes,	11
Nays,	13

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Hardwicke, Martin, Matthews, Munford, Peyton, Powell, Warner, Waterhouse, and Mr. Speaker Turney—11.

The negative voters were,

Messrs. Foster, Frey, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Miller, Nelson, Reneau, Ross, Sevier, and Williams—13.

So said bill was rejected upon its third and last reading.

The Senate, on motion of Mr. Martin, took up the consideration of

A bill to relieve the people of Tennessee, by reducing the jurisdiction of Justices of the Peace in this State, to fifty dollars, in all cases.

Which bill was read a second time,

When Mr. Peyton moved to amend said bill by striking out the word "fifty" in the sixth line after the words "a greater sum than," and to insert the word "twenty," in lieu thereof.

Which being read,

And the question upon the adoption of said amendment being had, was determined in the negative.

Ayes,	4
Nays,	19

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Maulin, Martin, Nelson, and Peyton—4.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Matthews, Miller, Munford, Reneau, Ross, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney—19.

So said amendment was rejected.

The passage then recurred upon the passage of said bill upon its second reading, which being had, was determined in the negative.

Ayes, - - - - -	4
Nays, - - - - -	19

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Maclin, Martin, Nelson, and Ross—4.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Matthews, Miller, Munford, Peyton, Reneau, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney—19.

So said bill was rejected upon its second reading in the Senate.

The Senate, on motion of Mr. Martin, took up the consideration of

A bill to enable the farmers to realize the money for the produce of their labor, and to remedy the scarcity of the circulating medium.

Which bill was read a second time,

When Mr. Jennings moved to amend said bill by striking out the words "ten," "twenty," fifty," and "one hundred," and insert in lieu thereof the words "five dollars and upwards."

Mr. Reneau moved to amend the amendment offered by Mr. Jennings, by inserting therein, the words "five dollars and under."

Which being read,

And the question upon the adoption of said amendment as amended, being had, was determined in the affirmative.

So said amendment was adopted.

When Mr. Turney asked and obtained leave to withdraw said bill for amendment.

The Senate took up and considered

A bill to regulate the fees of constables, in certain cases.

Which bill was read a third and last time.

And the question upon the passage of said bill being had, was determined in the negative.

Yeas, - - - - -	10
Nays, - - - - -	13

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Frey, Hardwicke, Laughlin, Martin, Miller, Munford, Peyton, Reneau, and Mr. Speaker Turney—10.

The negative voters were,

Messrs. Foster, Jennings, Johnson, Ledbetter, Maclin, Matthews Nelson, Powell, Ross, Sevier, Warner, Waterhouse, and Williams—13

So said bill was rejected upon its third and last reading in the Senate.

Mr. Ledbetter introduced

A bill for the relief of suitors before Justices of the Peace, and to regulate the stay of executions.

Which bill was read a first time and passed.

The Senate, on motion of Mr. Reneau, took up the consideration of

A bill to provide for an examination into the condition and management of the Bank of the State of Tennessee.

Which bill was read a second time,

When Mr. Reneau offered the following amendment in lieu of the whole bill, as follows:

"*Whereas*, The State is largely indebted on her State Bonds, and the people of Tennessee can only look to the successful management of "the Bank of Tennessee,' as the means to save them from being taxed in order to pay that debt; and whereas, that Bank is by law made to be, and in fact is, the depository of the Common School fund, designed for the education of the poor children of the State; all of which considerations make it the important duty of those who represent the State and its people, to watch with a constant vigilance over the affairs, management and condition of that institutien—Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Treasurer of the State of Tennessee, to appoint two commissioners, whose duty it shall be, as soon as practicable, to examine into the management and condition of said Bank and its Branches. It shall also be the duty of said Governor to appoint a clerk to attend said commissioners, and they shall make full examination into the management and condition of said Bank and each of its Branches. And it shall be the duty of said commissioners to examine into such facts as the Governor may inform and instruct them to inquire into, and from time to time make reports to him of the result of their examinations. And said commissioners shall have power to send for persons and papers, and to administer oaths where they may deem it necessary to a full examination.

SEC. 2. *Be it enacted*, That the Governor shall make a full report of the condition of said Bank and each of its Branches, as they may appear to be from the examinations contemplated by this act, to the next regular session of the General Assembly, shewing and recommending what ought to be done, if any thing, in order to insure the efficient and successful operations of that institution.

Which being read,

And the question upon the adoption of said amendment, in lieu of the whole bill, being had, was determined in the negative.

Ayes,	12
Nays,	13

The ayes and nayes being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Munford, Nelson, Peyton, Reneau, Sevier, and Williams—12.

The negative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney—13.

So said amendment was rejected.

Mr. Ledbetter moved that the Senate adjourn until 2 o'clock, P. M.

And the question thereupon being had, was determined in the negative.

Ayes,	10
Nays,	15

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Hardwicke, Ledbetter, Nelson, Peyton, Powell, Reneau, Sevier, and Williams—10.

The negative voters were,

Messrs. Foster, Frey, Gardner, Jennings, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Munford, Ross, Warner, Waterhouse, and Mr. Speaker Turney—15.

So said motion to adjourn was rejected

Mr. Foster offered an amendment in lieu of the whole bill introduced by Mr. Reneau, to provide for an examination into the condition and management of the Bank of Tennessee, as follows:

"*Whereas* the Bank of Tennessee is in its capital, founded upon the money appropriated by the Constitution to the Common Schools, upon the portion of the surplus revenue belonging to the State under the law of Congress, and upon money raised and negotiated by the sale of the Bonds of the State, for the redemption of which the faith of the State is pledged, and is therefore emphatically and truly the Bank of the people, who have the right at all times to inquire into and know the true state and condition of said Bank and Branches, who have the right to inquire into and know whether reports made to the General Assembly by the officers of said Bank, are in truth and in fact, correct, and such as they are represented to be, and who have the right to inquire and know whether said Bank is conducted upon principles of justice and impartiality, and whether debts due to said Bank and Branches are well secured or not; and whereas, experience of the past and knowledge of the present,

well convinces this General Assembly, neither time nor means have or can be employed and used by the Representatives of the people, during the session of the General Assembly, to examine into the expense accounts, the books, notes, bills, transactions, and monetary condition of said Bank and Branches, and ascertain the principles upon which the same have been conducted. *And whereas*, the Governor in his message to this General Assembly, has recommended the appointment of three commissioners to inquire into and investigate the state and condition of said Bank and Branches, thereby giving to this General Assembly the constitutional power to act;—Therefore,

Be it Resolved by the General Assembly of the State of Tennessee, That there shall be appointed by the General Assembly three discreet and competent persons, one of whom shall reside in each grand division of the State, to be called and denominated, Bank Commissioners of the State of Tennessee.

SEC. 2. *Be it enacted*, That said Commissioners so appointed, before entering upon the duties hereinafter assigned them, shall, before some Judge of the Supreme Court, or Circuit Judge of the State, take an oath honestly, faithfully, justly, truly, and impartially, to discharge the duties of the office of Bank Commissioners of the State of Tennessee.

SEC. 3. *Be it enacted*, That said Bank Commissioners shall have the power, and it is hereby made their duty, personally, in each, to visit the Bank of Tennessee and its Branches, and thoroughly, minutely, and carefully to investigate and ascertain the exact and true state and condition of said Bank and Branches, to examine into and ascertain the expense account of said Bank and Branches, the cause of said expense account, and the several items thereof, to examine the notes, bonds, bills, or where an decree of debts due said Bank and Branches, and ascertain to whom, and to what amount the funds of said Bank and Branches have been loaned or furnished, and the solvency or insolvency of the debtors of said Bank and Branches, whether makers, drawers, endorsers, acceptors, principals, or securities, to examine the official bonds given by the officers of said Bank and Branches, and ascertain the legality and validity of said bonds, and the condition of the security to said bonds, to examine the gold and silver belonging to said Bank and Branches, and ascertain the amount thereof, and to examine into the other assets, or means of said Bank and Branches, and ascertain the nature, character, and amount of said assets or means.

SEC. 4. That said Commissioners shall have power, and it is made their duty to send for books, papers, and persons, and to swear such persons as witnesses, which oath said Commissioners shall have the right and power to administer, and if such person or persons so sworn, shall, knowingly and corruptly swear falsely, it shall be perjury, subject to the same pains and penalties as is by law now in force, for the commission of the crime of perjury.

SEC. 5. That said Commissioners shall make a full and correct report in writing, under their respective signatures, to the next General Assembly of the State of Tennessee, giving a succinct and specific in-

[illegible] touching each and [illegible] position, and subject of inquiry [illegible] of this act, and [illegible] other in [illegible], which, in their opinion, it is to the interest and safety of the State to communicate to the General Assembly.

Sec. 6. That said Commissioners shall keep a regular account of the time actually employed in the discharge of the duties assigned them by this act, and return the same in their report, and shall be paid each the sum of dollars for each day so employed, to be paid out of the treasury, upon the certificate of the Comptroller.

[illegible] being read,

Mr. [illegible] moved the adoption of said amendment in lieu of the [illegible].

When Mr. Turney moved the indefinite postponement of said bill, with the proposed amendment.

And the question thereupon being had, was determined in the affirmative.

Yeas, - - -	13
Nays, - - -	12

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Watherhouse, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Munford, Nelson, Peyton, Reneau, Sevier and Williams—12.

So said bill with the proposed amendment thereto was indefinitely postponed.

Mr. Johnson moved that the Senate adjourn until 2 o'clock, P. M.

And the question thereupon being had, was determined in the affirmative.

Yeas, - - - -	16
Nays, - - - -	9

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Peyton, Powell, Reneau, Ross, Warner, Williams, and Mr. Speaker Turney—16.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Miller, Munford, Nelson, Sevier, and Waterhouse—9.

So the Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Turney returned

A bill to enable the farmers to realize the money for the produce of their labor, and to remedy the scarcity of the circulating medium; by him withdrawn for amendment, with the following amendment, to wit:

"That the President and Directors of the Bank of Tennessee and Branches, are authorised respectively, to issue and put in circulation by loans, to the citizens, in proportions to their capitals, not exceeding one million of dollars in post notes, without interest, redeemable in twelve and eighteen months, in such parcels and at such times as may best promote the interest of the country.

SEC. 2. *Be it enacted*, That said post notes issued by the first section of this act, shall be received in payment of all public dues in this State, and shall be received in payments of the debts due said Bank and Branches, at par.

Which being read,

When Mr. Warner moved to amend said amendment, by inserting in the second line thereof, after the word "authorised," the words "should they deem the same expedient."

Which being read,

And the question upon the adoption of the amendment proposed by Mr. Warner, being had, was determined in the negative.

So said amendment was rejected.

The question then recurred upon the adoption of the amendment proposed by Mr. Turney.

And the question thereupon being had, was determined in the affirmative.

So said amendment was adopted.

And said bill as amended, was read a second time.

And the question upon the passage of said bill was had, and determined in the negative.

Yeas, - - - -	10
Nays, - - -	12

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Jennings, Munford, Nelson, Peyton, Reneau, Waterhouse, and Mr. Speaker Turney—10.

The negative voters were,

Messrs. Frey, Gardner, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Powell, Ross, Sevier, and Warner—12.

So said bill was rejected upon its second reading in the Senate.

Mr. Maclin moved that the Senate reconsider the vote rejecting upon its second reading,

A bill to enable the farmers to realize the money for the produce of their labor, and to remedy the scarcity of the circulating medium.

And the question "will the Senate reconsider the vote rejecting said bill?" being had, was determined in the affirmative.

Yeas, - - - -	16
Nays, - - - -	6

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Hardwicke, Jennings, Ledbetter, Maclin, Munford, Nelson, Peyton, Powell, Reneau, Sevier, Waterhouse, and Mr. Speaker Turney—16.

The negative voters were,

Messrs. Gardner, Johnson, Laughlin, Martin, Matthews, and Ross—6.

When, on motion of Mr. Turney,

Said bill was laid on the table.

The Senate, on motion of Mr. Powell, took up the consideration of

A bill to amend an act entitled "an act to establish a State Bank to raise a fund for Internal Improvement, and to aid in the establishment of a system of Education, passed January 19th, 1838.

Which bill was read a third time,

And the question upon the passage of said bill being had, was determined in the affirmative.

Ayes, - - - -	17
Nays, - - - -	7

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Miller, Munford, Nelson, Peyton, Powell, Warner, Waterhouse, and Mr. Speaker Turney—17.

The negative voters were,

Messrs. Foster, Frey, Jennings, Martin, Ross, Sevier, and Williams—7.

So said bill passed upon its third and last reading, was ordered to be engrossed and transmitted to the House of Representatives.

Ordered, That the clerk acquaint the House of Representatives therewith and ask a concurrence therein.

Whereupon, Mr. Ledbetter moved that the Senate reconsider the vote upon the passage of said bill upon its third and last reading.

The Senate, on motion of Mr. Laughlin, took up the consideration of a resolution reported by the Chairman of the Committee on Banks,

to which had been referred so much of the Governor's message as relates to Banks, said resolution setting forth that it is inexpedient at this time to appoint Commissioners to investigate and report upon the condition and affairs of the Bank of Tennessee and Branches, as recommended by the Governor in his message at the opening of the present extra session of the General Assembly.

Which being read,

And the question upon a concurrence with the resolution reported by the Chairman of the Committee on Banks, being had, was determined in the affirmative.

Ayes,	-	-	-	13
Nays,	-	-	-	12

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Martin, Maclin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Munford, Peyton, Reneau, Sevier, and Williams—12.

So the Senate concur in said resolution reported by the Chairman of the Committee on Banks.

And said resolution is adopted.

The Senate, on motion of Mr. Williams, took up the consideration of

A bill to provide for the redemption of slaves, and other personal property.

Which bill was read a third time,

When Mr. Ledbetter moved to amend said bill by inserting in the 3d line of the 2d section, after the words "sold under execution," the words "or decree in Chancery for the satisfaction of debt," also, inserting in the 3d line of the 3d section of said bill, after the words "sold at execution sale," the words "or under a decree in Chancery for the payment of debt," also, inserting in the 14th line of the 3d section, after the words, "said execution sale," the words "or by a decree in Chancery for the payment of debts;" and also inserting in the 19th line of the 3d section of said bill, after the words "bid at execution sale," the words "or under a decree in Chancery for debt;" also, inserting in the 24th line of said 3d section, after the words "at execution sale," the words "or under a decree in Chancery for debt."

Which being read,

And the question upon said several amendments being had, was determined in the affirmative.

So said several amendments were adopted.

Mr. Ledbetter moved to amend said bill, by inserting in the fifth line of the first section, after the words "sold under execution," the words "or decree in Chancery for the satisfaction of debts."

Which being read,

And the question upon the adoption of said amendment was had, and determined in the affirmative.

So said amendment was adopted.

Mr. Ledbetter moved further to amend said bill, by inserting in the sixth line of the first section of said bill, after the words "after such sale," the words "and within four months after the sale of slaves sold as aforesaid."

Which being read,

And the qestion upon the adoption of said amendment being had, was determined in the negative.

Yeas, - - - - -	11
Nays, - - - - -	13

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Frey, Hardwicke, Laughlin, Ledbetter, Maclin, Munford, Peyton, Reneau, and Ross—11.

The negative voters were,

Messrs. Gardner, Jennings, Johnson, Martin, Matthews, Miller, Nelson, Powell, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney—13.

So said amendment was rejected.

And said bill as amended, was read a third and last time.

And the question recurring upon the passage of said bill was had, and determined in the affirmative.

Ayes, - - -	15
Nays, - - -	8

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Frey Gardner, Jennings, Laughlin, Ledbetter, Maclin, Miller, Munford, Nelson, Peyton, Reneau, Sevier, Waterhouse, and Williams—15.

The negative voters were,

Messrs. Hardwicke, Johnson, Martin, Matthews, Powell, Ross, Warner, and Mr. Speaker Turney—8.

So said bill was passed upon its third and last reading in the Senate, was ordered to be engrossed and transmitted to the House of Representatives.

Ordered, That the clerk acquaint the House therewith and ask a concurrence therein

On motion of Mr. Gardner,

The Senate adjourned until to-morrow morning, 9 o'clock.

TUESDAY, NOVEMBER 8, 1842.

The Senate was opened with prayer by the Rev. S. G. Burney, Pastor of the Cumberland Presbyterian Church, in the city of Nashville.

Mr. Frey, Chairman of the Committee on Enrolments, reports as correctly enrolled

A bill entitled 'an act to abolish imprisonment for debt.

Which enrolled act was signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives, and presented for the signature of the Speaker thereof.

The Senate, on motion of Mr. Williams, took up and considered

A bill No. 16, entitled "a bill to divide the State of Tennessee into Districts for the election of Representatives to the Congress of the United States.

Which bill was read a second time,

When Mr. Williams offered the following amendment, in lieu of the whole bill after the enacting clause:

"That the counties of Johnson, Carter, Sullivan, Washington, Hawkins, Greene, and Cocke, shall compose the first Congressional District, and shall elect one member to the Congress of the United States.

SEC. 2. *Be it enacted*, That the counties of Jefferson, Grainger, Claiborn, Campbell, Anderson, Knox, Roane, and Morgan, shall compose the second Congressional District, and shall elect one member to the Congress of the United States.

SEC. 3. *Be it enacted*, That the counties of Sevier, Blount, Monroe, McMinn, Polk, Bradley, Hamilton, Marion, Bledsoe, Rhea, and Meigs, shall compose the third Congressional District, and shall eleet one member to the Congress of the United States.

SEC. 4 *Be it enacted*, That the counties of Fentress, Overton, Jackson, De Kalb, White, Van Buren, Warren, and Coffee, shall compose the fourth Congressional District, and shall elect one representative to the Congress of the United States.

SEC. 5. *Be it enacted*, That the counties of Franklin, Bedford, Lincoln, and Marshall, shall compose the fifth Congressional District, and shall elect one representative to the Congress of the United States.

SEC. 6. *Be it enacted*, That the counties of Smith, Sumner, and Davidson, shall compose the sixth Congressional District, and shall elect one representative to the Congress of the United States.

SEC. 7. *Be it enacted*, That the counties of Wilson, Cannon, Rutherford, and Williamson, shall compose the seventh Congressional District, and shall elect one representative to the Congress of the United States.

SEC. 8. *Be it enacted*, That the counties of Giles, Maury, Lawrence, Wayne, and Hardin, shall compose the eighth Congressional District, and shall elect one representative to the Congress of the United States.

SEC. 9. *Be it enacted*, That the counties of Carroll, Gibson, Henderson, Perry, Hardeman, McNairy, and Hickman, shall compose the ninth Congressional District, and shall elect one representative to the Congress of the United States.

SEC. 10. *Be it enacted*, That the counties of Weakley, Henry, Stew-

art, Montgomery, Dickson, Humphreys, Benton, and Robertson, shall compose the tenth Congressional District, and shall elect one representative to the Congress of the United States.

SEC. 11. *Be it enacted*, That the counties of Shelby, Fayett, Tipton, Haywood, Lauderdale, Dyer, Madison, and Obion, shall compose the eleventh Congressional District, and shall elect one representative to the Congress of the United States.

Which being read,

When, Mr. Warner offered the following amendment in lieu of the amendment proposed by Mr. Williams, as follows:

That the counties of Johnson, Carter, Washington, Sullivan, Greene, Hawkins, and Claiborne, shall compose the first District, and shall elect one member.

SEC. 2. *Be it enacted*, That the counties of Cocke, Jefferson, Grainger, Sevier, Knox, Blount, Anderson, and Campbell, shall compose the second District, and shall elect one member.

SEC. 3. *Be it enacted*, That the counties of Monroe, McMinn, Bradley, Polk, Hamilton, Marion, Bledsoe, Rhea, Meigs, Roane, and Morgan, shall compose the third District, and shall elect one member.

SEC. 4. *Be it enacted*, That the counties of Fentress, Overton, Jackson, White, Van Buren, De Kalb, Cannon, Coffee, and Warren, shall compose the fourth District, and elect one member.

SEC. 5. *Be it enacted*, That the counties of Franklin, Lincoln, Giles, Lawrence, and Wayne, shall compose the fifth District, and elect one member.

SEC. 6. *Be it enacted*, That the counties of Bedford, Maury, Hickman, and Perry, shall compose the sixth District, and elect one member.

SEC. 7. *Be it enacted*, That the counties of Williamson, Rutherford, and Wilson, shall compose the seventh District, and elect one member.

SEC. 8. *Be it enacted*, That the counties of Davidson, Sumner, and Smith, shall compose the eighth District, and shall elect one member.

SEC. 9. *Be it enacted*, That the counties of Robertson, Montgomery, Dickson, Stewart, Humphreys, Benton, Henry, and Weakley, shall compose the ninth District, and shall elect one member.

SEC. 10. *Be it enacted*, That the counties of Obion, Dyer, Gibson, Carroll, Henderson, Madison, and Haywood, shall compose the tenth District, and shall elect one member.

SEC. 11. *Be it enacted*, That the counties of Lauderdale, Tipton, Shelby, Fayette, Hardeman, McNairy, and Hardin, shall compose the eleventh District, and shall elect one member.

SEC. 12. *Be it enacted*, That this act shall continue in force until after the next election of members to Congress, and no longer.

Which being read,

And the question upon the adoption of the amendment proposed by Mr. Warner, in lieu of the amendment offered by Mr. Williams, being had, was determined in the affirmative.

Ayes, - - - -	13
Nays, - - - -	11

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Jennings, Ledbetter, Munford, Nelson, Peyton, Reneau. Sevier, and Williams—11

So said amendment was adopted in lieu of the amendment proposed by Mr. Williams.

On motion of Mr. Peyton,

Said bill with the amendment thereto, was laid on the table.

Mr. Gardner presented the following:

Resolved by the General Assembly of the State of Tennessee, That a Joint Select Committee be appointed, to consist of six members, two on the part of the Senate, and four on the part of the House of Representatives, and two from each grand division of the State; said committee to be composed of an equal number of both political parties—to whom shall be referred the subject of laying the State off into Congressional Districts, under the late apportionment of representation in the Congress of the United States. And the said committee be instructed to lay the State off into ten districts, as nearly equal in federal population as practicable, and in five of which districts the whigs shall have majorities, taking the result of the election for Governor in 1841, as the basis of their calculation; and in the other five districts the democratic party shall have corresponding majorities, as nearly as practicable, and the eleventh district shall be composed of the whole State. And that said committee report by bill, as soon as possible: in which it shall be provided, that the law shall only be in force until the rise of the regular session of the Legislature.

Which being read,

Was ordered to the table.

On motion of Mr. Martin,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Hardwicke in the Chair.

The Senate, on motion of Mr. Ross, took up the consideration of a bill from the House of Representatives, (No. 10,) entitled

A bill to relieve the people from expense, to reduce the expenses in the administration of the law, to establish two terms of the Circuit Court, and for other purposes.

Which bill was read a third time,

When Mr. Nelson moved to amend said bill by striking out of the 7th line of the 2d section, after the word "Anderson," the word "fourth," and insert in lieu thereof the word "first;" striking out of the 8th line of said section, the words "April," "October," and insert in lieu

thereof the words "March," "September;" striking out of the 8th line of said section the words "first Monday in May and November," and insert in lieu thereof the words "first Monday in March and September," striking out of the 9th line of the second section the words "second Monday in May and November," and insert in lieu thereof the words "third Monday in March and September;" striking out of the 10th line of the second section the words "fourth Monday in May and November," and insert in lieu thereof the words "second Monday of April and October;" striking out of the 10th and 11th lines the words "second Monday in June and December," and insert in lieu thereof "fourth Monday of April and October;" striking out of the 7th line of said second section the words "first Monday in April and October," and inserting in lieu thereof the words "first Monday in May and November."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Powell moved to amend said bill by striking out of the second line of the second section the words "first Monday in March and September," and insert in lieu thereof the words "third Monday of May and November;" striking out of the third line of the second section the words "second Monday in March and September," and inserting in lieu thereof the words "fourth Monday in May and November;" striking out of the third line of said second section the words "third Monday in March and September," and insert in lieu thereof the words "first Monday after the fourth Monday in May and November."

Which being read,

And the question upon the adoption of said amendments being had, was determined in the affirmative.

So said amendments were adopted.

Mr. Ashe moved to amend said bill, in that part constituting the tenth Circuit, as follows: striking out in the 49th line of section second the words "first Monday in April and October," and insert in lieu thereof the words "second Monday in July and January;" striking out in the 50th line the words "fourth Monday in April and October," and insert in lieu thereof the words "second Monday in June and December;" striking out of the 50th and 51st lines the words "first Monday in May and November," and inserting in lieu thereof the words "fourth Monday in June and December;" striking out or the 51st line the words "second Monday in May and November," and inserting in lieu thereof the words "third Monday in June and December."

Which being read,

And the question upon the adoption of said several amendments being had, was determined in the affirmative.

So said several amendments were adopted.

Mr. Laughlin moved to amend said bill, in that part constituting the 13th Circuit, as follows: striking out in the 64th line the words "third Monday in March and September," and insert in lieu thereof "second Monday of May and November;" striking out of the 65th line the

words "first Monday in April and October," and inserting in lieu thereof the words "second Monday in June and December;" striking out of the 65th and 66th lines the words "first Monday in May and November," and inserting in lieu thereof the words "second Monday in April and October;" striking out of the 66th line the words "third Monday in April and October," and inserting in lieu thereof the words "fourth Monday in April and October," and striking out of the 67th line the words "second Monday in June and October," and inserting in lieu thereof the words "first Monday in April and October."

Which being read,

And the question upon the adoption of said several amendments being had, was determined in the affirmative.

So said amendments were adopted.

Mr. Sevier moved to amend that portion of said bill constituting the 14th Circuit, as follows: striking out of the 69th line the words "second Monday in February and August," and inserting in lieu thereof "first Monday in June and December;" striking out of the 70th line the words "fourth Monday in February and August," and inserting in lieu thereof "third Monday of May and November;" striking out of the 70th and 71st lines the words "first Monday in March and September," and inserting in lieu thereof "first Monday of May and November;" striking out of the 71st line the words "second Monday in March and September," and inserting in lieu thereof "third Monday in April and October;" and striking out of the 73d line the words "first Monday in May and November," and inserting in lieu thereof "second Monday of March and September."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendments were adopted.

Mr. Turney moved to amend that part of the bill constituting the 4th Circuit, as follows: striking out of the 20th line the words "first Monday in April and October," and insert in lieu thereof "first Monday in July and January," striking out of the 21st line the words "second Monday in April and October," and insert in lieu thereof the words "second Monday in July and January;" striking out of the 21st and 22d lines the words "fourth Monday in April and October," and insert in lieu thereof "second Monday in August and February;" striking out of the 22d line the words "first Monday in May and November," and insert in lieu thereof "fourth Monday of July and January;" striking out of the 23rd line the words "second Monday in May and November," and insert in lieu thereof "first Monday of August and February;" striking out of the 24th line the words "fourth Monday in May and November," and insert in lieu thereof "third Monday of August and February."

Which being read,

And the question upon the adoption of said several amendments being had, was determined in the affirmative.

So said amendments were adopted.

Mr. Reneau moved to amend said bill, and offered the following in lieu of the 9th section, to wit:

SEC. 9. *Be it enacted*, That defendant or defendants, against whom a judgment shall be rendered by a justice of the peace, shall have a right to an appeal to the next Circuit Court to be holden for the county under this act, upon the following terms and conditions, to wit: The defendant or defendants praying such appeal shall tender a bond to the justice of the peace for the benefit of the plaintiff, in double the amount of the judgment, with good and sufficient security that none of his, her, or their personal property liable to execution for the payment of debts, and on which there is no prior subsisting bona fide lien in favor of another person, shall be removed out of the county in which the appeal is taken, until final judgment in said cause shall be rendered, and that in case said judgment shall be against him, her, or them, that said property shall not be so removed, until said judgment shall be paid and satisfied, or the property shall be seized upon by execution for that purpose; and that he, she, or they shall not sell or transfer the right or possession of said property, until said judgment shall be paid and satisfied; and that he, she, or they shall, in the meantime, take reasonable care of said property, so that it may be liable to the payment of said judgment, if it shall be against said defendant or defendants; or said defendant or defendants may, in his, her, or their discretion, tender a bond, as is now required by law; and upon the tender of such a bond and security as either of those mentioned in this section, it shall be the duty of said justice to grant said appeal, and it shall stand for trial at the next term after that to which it is taken, and there shall be no tax to the State; and if final judgment shall be in favor of the plaintiff he shall have six per cent interest, and no more.

Which being read,

When Mr. Ashe offered the following amendment, in lieu of the amendment proposed by Mr. Reneau, as follows:

"SEC. 9. *Be it enacted*, That in all appeals from the judgments of justices of the peace, where said judgment or judgments shall exceed the sum of twenty dollars, exclusive of costs, the defendant or defendants shall not be required to give security for the same, but shall have the right to take an appeal from said judgments without security."

Which being read,

And the question upon the adoption of said amendment, in lieu of the amendment proposed by Mr. Reneau, was had, and determined in the affirmative.

Yeas,	-	-	-	15
Nays,	-	-	-	9

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Gardner, Johnson, Ledbetter, Maclin, Martin, Miller, Munford, Nelson, Peyton, Powell, Ross, Sevier, and Wathouse– 15.

The negative voters were,

Messrs. Foster, Frey, Hardwicke, Jennings, Laughlin, Matthews, Reneau, Williams, and Mr. Speaker Turney—9.

So said amendment was adopted in lieu of the amendment proposed by Mr. Reneau.

The question then recurred upon the adoption of the amendment offered by Mr. Ashe in lieu of the 9th section of said bill, as amended.

Which being read,

Was determined in the negative.

Yeas,	5
Nays,	19

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Martin, Nelson, Ross, and Waterhouse—5.

The negative voters were,

Messrs. Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Miller, Munford, Peyton, Reneau, Sevier, Warner, Williams, and Mr. Speaker Turney —19.

So said amendment was rejected.

Mr. Warner offered the following as an amendment to said bill, to wit:

"*Be it enacted*, That hereafter in cases of appeal from justices of the peace to the Circuit Court, the Clerk shall have and tax the following fees, and no more, to wit: for filing papers and putting cause on docket, twenty-five cents; for entering judgments, twenty-five cents; for taxing costs, twenty-five cents; for transcript of record, fifty cents; for issuing execution, thirty-seven and one half cents; and there shall be no State tax taxed in the bill of costs when the amount in controversy is under one hundred dollars, and a justice of the peace shall be entitled to receive for an appeal bond, to be taxed in the bill of costs, twenty-five cents, and no more."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Williams submitted the following amendment to said bill, to wit:

"That the members of the General Assembly for each succeeding session shall receive only three dollars per day for each day of the session."

Which being read,

When the Chair decided that said amendment was out of order, was, and should be deemed and taken as a rider, and should not be entertained by the Senate.

From which decision Mr. Williams appealed to the Senate.

And the question, will the Senate sustain the opinion of the Chair, declaring said amendment a rider, and out of order, and contrary to the rules of the Senate, was had and determined in the affirmative.

Ayes, - - -	16
Nays, - - -	7

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Gardner, Jennings, Laughlin, Maclin, Martin, Matthews, Miller, Munford, Peyton, Powell, Reneau, Ross, Warner, Waterhouse, and Mr. Speaker Turney—16.

The negative voters were,

Messrs. Ashe, Foster, Frey, Johnson, Ledbetter, Nelson, and Williams—7.

So the Senate sustains the Chair in declaring said amendment out of order, neither does the Senate further entertain the same.

Mr. Gardner moved to amend said bill by striking out the 11th section in the following words:

"SEC. 11. *Be it enacted*, That when an execution shall have issued from a justice of the peace, or which may hereafter be issued, shall be levied, or may hereafter be levied, on the personal property of the defendant or defendants, and bond and security shall be given, or may hereafter be given, by the defendant or defendants, for the delivery of the property on the day of sale, according to the law now in force, and shall be forfeited in whole or in part, it shall be the duty of the officer holding such bond and execution, to return the same to the next term of the Circuit Court to be holden in said county under this cat, after the time of said forfeiture, whereupon it shall be the duty of the Clerk of said court to issue an alias execution, with a copy of the delivery bond, directed to the officer returning the original bond and execution into Court, or any other legal officer of said county, who shall proceed to levy upon so much of the property of the defendant or defendants in said execution, if to be found, as shall be sufficient to satisfy the same; but if there shall not be property enough of said defendant or defendants in said execution to satisfy the same, then said officer shall proceed to levy upon the property of the security or securities in the forfeited bond, sufficient to satisfy so much of the debt as the property for which such security became bound was valued at, under the provisions of the first section of the act of 1831, chapter 25, and which was not delivered pursuant to said bond, and there shall be no costs taxed for said execution and delivery bond, save the Clerk's fees for issuing the same, *Provided, however*, that the plaintiff's lien of execution shall not be altered or destroyed by the return of the same to the Circuit Court."

Which being read,

When, on motion of Mr. Ashe,

The Senate adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, NOVEMBER 9, 1842.

The Senate was opened with prayer by the Rev. S. G. Burney, pastor of the Cumberland Presbyterian Church in the city of Nashville.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The House of Representatives have taken up and read a memorial from the citizens of Sumner, Smith, and Macon counties, praying against the passage of the relief bill; which I am directed to transmit to the Senate.

The House of Representatives took up and considered a bill from the Senate, No. 1, entitled "a bill to relieve the people by suppressing usury and shaving notes," which bill the House of Representatives rejected upon its second reading; which bill I am directed to transmit to the Senate.

And then he withdrew.

The Senate, on motion of Mr. Peyton, took up and considered a message from the House of Representatives transmitting a memorial from citizens of Sumner, Smith, and Macon counties, protesting against the passage of the relief bill, now on its passage before the General Assembly of the State of Tennessee.

Which being read,

Was, on motion of Mr. Peyton,

Referred to the Joint Select Committee on Relief.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The Speaker of the House of Representatives did this day sign the Senate's enrolled bill, entitled "an act to abolish imprisonment for debt;" which I am directed to transmit to the Senate for the further action of the Senate thereupon to be had.

Whereupon the Speaker of the Senate directed that said enrolled act be filed in the office of the Secretary of State for the State of Tennessee.

Mr. Jennings, on behalf of the minority from the Committee on Banks, to whom had been referred that portion of the message of his Excellency the Governor of the State of Tennessee, in relation to Banks, communicated to the present General Assembly at its extra session, on the 4th October, 1842, submitted the following report, which Mr. Jennings asked and obtained leave to read at the Clerk's table, as follows:

The minority of the Committee on Banks submit the following report, in which they make a summary statement of the reasons which cause them to dissent from the views of the majority of the same committee in regard to so much of the Governor's Message as recommends the appointment of Commissioners to examine into the condition of the Bank of Tennessee and its Branches.

The minority of the Committee are firm in the belief that the inquiry which the Governor advises should be commenced forthwith, and they have heard from those who controvert this position no argument which made an approach to convincing them that the opinion thus avowed was

erroneous. It has, to be sure, been urged at the sitting of the Committee that an inquest of the kind contemplated was unnecessary, because the Governor distinctly states that he has no knowledge of any mismanagement in the affairs of the Bank, and improper because its execution would involve the expenditure of a considerable amount of money, and because the very act of setting it on foot would of itself create a general suspicion of an unsound condition of the institution, such as would seriously injure its credit and jeopardise its interests. To ascertain the force of these objections it will be proper to scrutinise them separately and in the order in which they have been enumerated.

Were the Governor of the State of Tennessee an officer of the Bank of Tennessee, taking part in the administration of its affairs, and admitted to a seat in any of the councils by which it is controlled, then the minority of the Committee are willing to admit that there would be some grounds on which to base an assertion that a close investigation of the affairs of that institution never should be set on foot until he himself had knowledge of the existence of abuses. But it is very strange that such a doctrine should be advocated when the reverse of all this is true—when the Chief Exective officer of the State has no official information in regard to the management of the Bank, at the same time that his duty in respect to the recommendation of measures which he may think demand deliberation on the part of the General Assembly makes it proper that he should from time to time remind the representatives of the people, of the necessity that exists for the exercise of the strictest vigilance over the conduct of an institution, which, from the nature of its duties, its objects, and its organization, is more exposed to the dangers both of its management and misrepresentation than any other agent or department of the government.

To admit the correctness of the opinion now controverted would, moreover, involve concessions tending to establish a principle which it is believed no member of this Senate would be willing to adopt and defend. Thereby a regard to consistency would make it necessary that we should set it down as a maxim in our course of legislation that the only object of investigations, such as are now under consideration, is to detect malfeasance that may have previously occurred, and the rumor of which may have gone abroad through the whole land. Whereas, the true intent of most of our inquiries into the conduct of official agents is not to bring to light and punish frauds that they may have already committed, but to prevent a departure from the line of duty by inspiring them with assurance that all their acts must pass through the ordeal of a strict examination, and a full and complete exposure.

As to the second of the objections which have been stated, the minority of the Committee thinks that it rests on no better grounds than that the insufficiency of which they have just exposed. It assumes that the expense of the contemplated commission furnishes an argument that is fatal to the propriety of its institution. Now, though it is admitted that rigid economy in the public expenditures is a thing of the least importance at the present juncture, when pecuniary distress pervades all ranks of society, and the Treasury of the State is on the verge of bankrupt-

cy, yet it cannot be conceded that the neglect of a proper supervision of the chief moneyed and financial agent of the State accords with proper notions of thrift in the management of public affairs. On the contrary, in Government, as in business establishments, and even in households, nothing in the end is more wasteful than that saving which is made by a withdrawal of the means to insure a proper degree of oversight, and no outlay more productive than that which is necessary to secure a steady performance of the duties of superintendence. This view of the matter, too, does not lose any of its force when we look into details and compare the small cost of the contemplated investigation, which cannot exceed $1500, with the large amount of the investment, being the whole capital of the Bank of Tennessee, which it is designed to guard and save from waste and misapplication. These facts being known, but little reflection is necessary to satisfy any inquirer, that strict scrutiny, by preventing one single act of favoritism, whether in regard to discounts or indulgences, may save to the State three times the amount of the expenditure which such scrutiny would necessarily involve.

The third objection to the proposition which the minority of the Committee here defend, is the dictate of erroneous and excessive feelings of cautiousness. Those who press it affirm that the Bank of Tennessee relies for its prosperity in a main degree on the confidence which the community reposes in the soundness of its general condition, and the honesty and fidelity of the officers who are entrusted with its management; whence the inference is drawn that any act of this Legislature, which would proceed on a contrary supposition, would impair the credit of the Bank, tending thereby seriously to affect its usefulness, if not to endanger its solvency. Now, this view of the matter, though plausible, will not stand the test of a close examination. Public opinion in regard to the state of moneyed institutions is not founded on such loose notions as those whom we are opposing seem to imagine. The public does not stand by in times like the present, or which the prevailing error is a lack and not an excess of confidence, and blindly and irrationally conclude that a Bank which is grossly defective in its organization is well managed, merely because it is not subjected to that species of scrutiny which would tend not only to unfold and bring to light, but to forestall and prevent the conversion of its means to purposes of individual benefit or party advantage.

Mystery and concealment in fact, and not vigilance and disclosure, are the true sources of distrust in regard to the abilities and correct government of such an institution, and this being admitted, it follows as a matter of course that if actuated by an enlightened regard for the character of the Bank, such a spirit instead of inducing us to denounce and oppose the proposition of the message must cause us to be zealous in its advocacy.

Those who contend that an investigation of the affairs of the Bank may cast a shade of suspicion over it, such as may blight its prospects of future usefulness, certainly have not sufficiently considered the absurdity of the positions which their notions tend to establish. The General Assembly at every regular session, since the Bank was created has sent committees to examine into its condition and to a certain extent

its reports tallied with the contents of its vaults and the state of its archives. This course of policy will doubtless meet with universal approbation. Yet the mode of reasoning which we now combat leads irresistibly to the conclusion that the appointment of every Committee of the kind ascribed, has injured the Bank by poisoning the public mind with doubts in regard to its solvency.

Having thus reviewed all the objections urged at the sitting of the Committee against the suggestion of the message, attention is now asked to a brief statement of some considerations which it is thought ought to have great weight in the future deliberations of the Senate on the same subject.

Five years have now elapsed since the creation of the Bank of Tennessee and during the whole of that period its affairs have undergone no thorough and sifting investigation. True, as already stated, a committee of every General Assembly since convened, has visited the principal bank and looked into the State of its accounts and its resources with all fidelity and with as good results in regard to accuracy as could be expected from a research made during a few hours stolen from the time due to the deliberation of the houses to which the members so deputed, respectively belonged; but all experience has demonstrated that the mismanagement of such institutions cannot be either prevented or detected by any such cursory mode of examination. Such procedures have failed heretofore to answer such purposes, in other States of the Union as well as in our own. In the adjoining State of Alabama, the fact is fresh in the recollection of all, that a commission raised specially for the purpose, and having due time and opportunities for investigation detected the existence of the most enormous abuses in the conduct of her bank, which, like our own, is the property of the commonwealth, and abuses too, which had originated and had grown to the most astounding magnitude during the very period when annual committees of annual legislatures were making most favorable reports in regard to the impartiality and wisdom of the management of the Bank and the amplitude of its means and its resources. Similar events marked the history of the Bank of the State of Tennessee, which, notwithstanding its close resemblance in name, it is hoped will never be designated with justice as the type and model of the present successor to its official duties and responsibilities. Such then is a portion of the evidence on this point within the reach of the Senate, and when possessed of it, certainly it will not compromit its character for wisdom by longer reliance on an expedient, the futility of which has been so often and so clearly demonstrated.

The present pecuniary embarrassment of the people of this State is another matter which, in the opinion of the minority of the committee, ought not to be lost sight of in the discussion and settlement of the question now under consideration. The truth perhaps is not exceeded when we say that no set of public officers ever were subjected to greater temptations than those which now beset the men who control the operations of the Bank of Tennessee. They see property every where about them selling at immense sacrifice, whence the inducement is strong to vote money into their own hands, in order that they may speculate on

the distresses of their neighbors. Their immediate friends and relations and their connexions in business are clamorous for loans or for undue indulgencies, all of which begets a strong incentive to the practice of favoritism, such as is at utter variance with the rules of justice and the interest of the community. In view therefore of such extraordinary dangers, who will say that it is not the part of wisdom to adopt some new expedient in the way of vigilance and to resort to extraordinary means in the nature of safeguards and preventives.

From the conclusion thus reached, moreover, no one can be deterred by any proper feelings of delicacy in regard to seeming imputations against the motives and intentions of the highly respectable men who constitute the several directories of the Bank of Tennéssee.

Public men who properly appreciate their position, never regard the inquest of a rightful authority as an insult. On the contrary they court investigation as their greatest source of protection, as the only means in fact, by which they can be secured from the assaults of the envious and the malice of those in whom the honest performance of duty may have excited feelings of discontent and disappointment.

In addition to the inducements for acquiescence in the opinion of the message, which are discoverable in the existing condition of the people, there are others arising from the peculiar condition of the present directory of the Bank of Tennessee in regard to its tenure of office. It is a matter of record that the acting board after having served out the term for which it was elected, now holds over a second term not in virtue of a re-election, but because of a failure of agreement between the two departments of the government, which by law are the joint consignees of the power of appointment. Where censure for this occurrence should fall, or whether it should fall any where, it does not consist with the present designs of this committee to determine. These are questions on which the public, after a full examination of proofs which can easily be reached, will give a decision that will be not only final but effective also in respect to the means of its enforcement. To that tribunal, therefore, every controversy growing out of the anomalous event we have recited, is most cheerfully resigned. The object for which it is named in this report is fulfilled when we call the attention of the Senate to one of its most essential consequences and remind that body that one important safeguard of the Bank, consisting in a frequent change of its officers, is now removed, and that a strong necessity exists therefore for the adoption of new modes of supervision and unusual means for the prevention of abuses.

In conclusion, the minority of the committee remark, that on looking into the records of experience, they can find nothing calculated to allay their apprehensions that the management of the Bank of Tennessee, will at some future period occasion great dissatisfaction amongst its rightful proprietors, and that in view of an event so probable, they congratulate themselves on the evidence here recorded, that at the present juncture they stood forth as the advocates of a thorough examination into the condition of that ill-guarded and much exposed institution.

All of which is respectfully submitted.

THOS. R. JENNINGS,
WM. WILLIAMS,
ROBT. C. FOSTER, Jr.,
THOS. MUNFORD,
H. BRADBERRY.

Which report being read,
When, on motion of Mr. Jennings,
It is ordered that said report be enrolled on the Journal of the Senate.
Which is accordingly done.
Mr. Ashe submitted the following:

"*Resolved*, That the Senate meet the House of Representatives in the Legislative Hall on Monday the 14th inst., for the purpose of electing two Senators, one in the room of the Hon. Felix Grundy, deceased, and the other for six years from the 4th of March, 1841, to succeed the Hon. Alexander Anderson, whose term expired at that time."

Which being read,
Was referred to the table.

The Senate, on motion of Mr. Ledbetter, took up the consideration of a message from the House of Representatives, transmitting a resolution directing the Senate directory to the public printer, amended, and concurring in amendment by the House of Representatives.

Which being read,
Question upon a concurrence in the amendment made by the House of Representatives to said resolution
When Mr. Martin asked and obtained leave to withdraw the same for amendment.
On motion of Mr. Nelson,
The Senate adjourned until 3 o'clock, P. M.

EVENING SESSION.

Mr. Martin returned a resolution directory to the public printer, by leave withdrawn for amendment, with the following amendment, to wit: "E. Hogan, Assistant Clerk of the Senate, and that he receive for the same the sum of one hundred and fifty dollars."

Which being read,
Was laid on the table.

The Senate again took up the consideration of a bill from the House of Representatives, No. 10, entitled,

A bill to relieve the people from expense, to reduce the expenses in the administration of the law, to establish two terms of the Circuit Court, and for other purposes.

Which bill was read a third and last time,
When Mr. Gardner offered the following amendment in lieu of the 11th section of said bill, as follows:

"Sec. 11. *Be it enacted*, That on all judgments hereafter rendered by justices of the peace the stay of executions shall be eight months, upon security being given as now required by law."

Which being read,

Mr. Nelson moved to amend said amendment by inserting therein, after the words "justices of the peace," the words "upon contracts hereafter executed."

Which being read,

Mr. Gardner accepts.

And said amendment, as amended, being read, and the question upon the adoption of said amendment in lieu of the 11th section of said bill, being had, was determined in the negative.

Yeas, - - - -	6
Nays, - - - -	19

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Jennings, Nelson, Powell, Sevier, and Williams—6.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Munford, Peyton, Reneau, Ross, Warner, Waterhouse, and Mr. Speaker Turney—19.

So said amendment was rejected.

Mr Hardwicke in the Chair.

Mr. Williams moved to amend said bill, in that part constituting the twelfth Circuit, by striking out the 58th, 59th, 60th, 61st, and 62nd lines, and insert in lieu thereof, after the words "the Circuit Courts of the 12th Circuit shall be held as follows, in each and every year," the following: "For the county of Cocke, the third Monday in May and November. For the county of Sevier, on the fourth Monday in May and November. For the county of Jefferson, on the first Monday of June and December. For the county of Grainger, on the third Monday of June and December. For the county of Campbell, on the first Monday of July and January. For the county of Claiborne, on the second Monday of July and January."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Turney moved to amend said bill by adding thereto the following proviso, to wit:

"*Provided further*, That the Courts for the trial of criminal causes, provided for in the foregoing proviso, shall the Courts which are to be held under the present law, and before the sitting of the Circuit Courts under this act, and no such Courts for the trial of criminal causes shall be held after the Courts shall be held semi annually under this act."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Gardner renewed his motion to amend said bill by striking out the 11th section of said bill.

And the question thereupon being had, was determined in the negative.

Ayes, - - -	10
Nays, - - -	14

The ayes and nayes being demanded,

The affirmative voters were,

Messrs. Frey, Gardner, Jennings, Johnson, Ledbetter, Nelson, Powell, Ross, Sevier, and Williams—10.

The negative voters were,

Messrs. Ashe, Bradberry, Hardwicke, Laughlin, Maclin, Martin, Matthews, Miller, Munford, Peyton, Reneau, Warner, Waterhouse, and Mr. Speaker Turney—14.

So said motion to strike out the 11th section of said bill was rejected.

The question then recurred upon the passage of said bill as amended, and being had was determined in the negative.

Ayes, - - - -	10
Nays, - - - -	15.

The ayes and nays being demanded;

The affirmative voters were,

Messrs. Bradberry, Laughlin, Maclin, Miller, Munford, Peyton, Reneau, Warner, Waterhouse, and Mr. Speaker Turney—10.

The negative voters were,

Messrs. Ashe, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Ledbetter, Martin, Matthews, Nelson, Powell, Ross, Sevier, and Williams—15.

So said bill was rejected upon its third and last reading in the Senate.

Ordered, That said bill be transmitted to the House of Representatives, and that the Clerk acquaint the House therewith

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives took up and considered a resolution adopted by the Senate directory to the County Court of White county, in relation to the securities of Jonathan T. Bradley, late Sheriff and Collector of the Taxes for the year 1841, which resolution the House adopted with an amendment, which resolution with the amendment herewith, I am directed to transmit to the Senate, and ask a concurrence therein.

The House of Representatives have passed upon its third reading "a bill to prevent the sacrifice of property, and for general relief;" which I am directed to transmit to the Senate and ask a concurrence therein.

And then he withdrew.

The Senate, on motion of Mr. Turney, took up the consideration of

A bill to divide the State of Tennessee into Districts for the election of Representatives to the Congress of the United States."

Which bill was read a second time,

When Mr. Warner asked and obtained leave to withdraw an amendment by him offered on yesterday, in lieu of the whole bill.

The question then recurred upon the passage of said bill upon its second reading, which being had, was determined in the negative.

Yeas, - - -	11
Nays, - - -	13

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Fosier, Frey, Ledbetter, Munford, Nelson, Peyton, Reneau, Williams, and Mr. Speaker Turney—11.

The negative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Sevier, Warner, and Waterhouse—13.

So said bill was rejected upon its second reading in the Senate.

Mr. Powell moved that the Senate reconsider the vote rejecting a bill from the House of Representatives, No. 10, entitled

A bill to relieve the people from expense, to reduce the expenses in the administration of the law, to establish two terms of the Circuit Court, and for other purposes,

Rejected upon its third and last reading in the Senate.

Mr. Maclin submitted the following:

"*Resolved*, That the next session of the General Assembly of the State of Tennessee shall meet and be held at McMinnville, in the county of Warren, and the Governor and Secretary of State are directed to remove all documents, archives, and papers pertaining to the Executive Department of the State Government, to the said town on or before the first day of September, 1843."

Which was read and ordered to the table.

The Senate, on motion of Mr. Turney, took up the consideration of a bill from the House of Representatives entitled

A bill to prevent the sacrifice of property, and for general relief.

Which bill was read a first time,

When Mr. Turney moved to amend said bill by striking out the enacting clause.

Mr. Ross moved the indefinite postponement of said bill with the amendment proposed by Mr. Turney.

And the question thereupon being had, was determined in the negative.

Ayes,	12
Nays,	13

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Hardwicke, Jennings, Johnson, Martin, Matthews, Nelson, Powell, Ross, Sevier, Williams, and Mr. Speaker Turney—12.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Laughlin, Ledbetter, Maclin, Miller, Mumford, Peyton, Renean, Warner, and Waterhouse—13.

So said motion to postpone said bill indefinitely was rejected.

The question then recurred upon the passage of said bill upon its first reading, which being had, was determined in the affirmative.

So said bill passed upon its first reading in the Senate.

Mr. Martin introduced

A bill to incorporate the firm of Yeatman, Woods, & Company.

Which bill was read a first time and passed.

The Senate, on motion of Mr. Turney, took up and considered a message from the House of Representatives transmitting a resolution adopted by the Senate directory to the County Court of White county to appoint Commissioners to settle with the securities of the late Jonathan T. Bradley, late Sheriff of said county and collector of the taxes for 1841, with an amendment thereto made by the House of Representatives.

And the question upon a concurrence with the amendment made by the House to said resolution being had, was determined in the affirmative.

So the Senate concur therein.

Ordered, That said resolution be enrolled and signed by the Speaker of the Senate, and that the clerk announce to the House of Representatives the Senate's concurrence with the amendment made to said resolution.

The Senate, on motion of Mr. Bradberry, took up the consideration of

A bill to authorise the County Courts of Hardiman, Dickson, Perry, and Henderson counties to make such disposition of the internal improvement funds belonging to said counties as to them shall seem proper."

Which bill was read a third and last time.

And the question upon the passage of said bill being had, was determined in the negative.

Yeas,	5
Nays,	17

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Hardwicke, Jennings, and Munford—5.

The negative voters were,

Messrs. Gardner, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Nelson, Peyton, Powell, Reneau, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney—17.

So said bill was rejected upon its third and last reading in the Senate.

Mr. Bradberry moved that the Senate adjourn until to-morrow morning, 9 o'clock.

And the question thereupon being had, was determined in the negative.

Ayes, - - -	9
Nays, - - -	16

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Maclin, Martin, Nelson, Powell, and Ross—9.

The negative voters were,

Messrs. Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Matthews, Miller, Munford, Peyton, Reneau, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney—16.

So said motion to adjourn was not sustained.

The Senate, on motion of Mr. Turney, took up the consideration of

A bill to enable the farmers to realize the money for the produce of their labor, and to remedy the scarcity of the circulating medium.

Which bill was read a second time,

When Mr. Turney moved to amend said bill by striking out of the second line of the first section the word "authorise," and insert in lieu thereof the word "required."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the negative.

Yeas, - - - -	7
Nays, - - - -	18

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Martin, Nelson, Peyton, Powell, Waterhouse, and Mr Speaker Turney—7.

[illegible]rmative voters were,

Messrs. Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Miller, Munford, Reneau, Ross, Sevier, Warner, and Williams—18.

So said amendment was rejected.

The question recurring upon the passage of said bill upon its second reading, was had, and determined in the negative.

Yeas,	-	-	-	11
Nays,	-	-	-	14

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Foster, Jennings, Ledbetter, Martin, Miller, Munford Nelson, Peyton, Waterhouse, and Mr. Speaker Turney—11.

The negative voters were,

Messrs. Bradberry, Frey, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Matthews, Powell, Reneau, Ross, Sevier, Warner, and Williams—14.

So said bill was rejected upon its second reading in the Senate.

A message from his Excellency the Governor, by the hands of the Hon. John S. Young, Secretary of State for the State of Tennessee:

Mr. Speaker: I have the honor herewith to transmit a message in writing, which I am instructed to present for the consideration of the General Assembly, to which I beg leave to ask the attention of the Senate.

And then he withdrew.

Executive Department,
Nashville, Nov. 9, 1842.

Gentlemen of the Senate
And House of Representatives:

There are sundry claims against the State, incident to the expenses of the last session of the General Assembly, which were not provided for in the general appropriation bill of that session, and which remain unpaid. My attention was called to the subject before I made my communication to you at the commencement of the present session; not doubting your power to provide for them in the appropriation bill of this session, I declined embracing it in my message. Understanding that doubts are entertained as to the propriety of making provision for the adjustment of these claims without an Executive recommendation, I have thought it due to justice and the character of the State to invite your attention to this subject, in order that justice may be done to the creditors of the State, and the good faith of the same preserved and maintained.

JAMES C. JONES.

Which being read,
Was, on motion of Mr. Foster,

Ordered to be transmitted to the House of Representatives.
On motion of Mr. Maclin,
The Senate adjourned until to-morrow morning, 9 o'clock.

THURSDAY, November 10, 1842.

The Senate was opened with prayer by the Rev. S. G. Burney, pastor of the Cumberland Presbyterian Church in the city of Nashville.

The Senate, on motion of Mr. Nelson, took up the consideration of

A bill to extend the prison bounds to the limits of the different counties.

Which bill was read a second time,

When Mr. Nelson asked and obtained leave to withdraw said bill for amendment.

Mr. Frey, Chairman of the Committee on Enrolments, reports as correctly enrolled

A resolution directory to the County Court of White county.

Which enrolled resolution was signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives.

The Senate took up and considered a bill from the House of Representatives, No. 16, entitled,

A bill to authorise the withdrawal of the State subscription and the cancelling of the State bonds issued to the Louisville, Cincinnati, and Charleston Railroad Company.

Which bill was read a second time.

And on motion of Mr. Johnson,

Said bill was laid on the table.

The Senate, on motion of Mr. Laughlin, took up and considered a resolution by him submitted on the 3rd inst., instructing the Committee on Relief to report a bill providing for the valuation of property levied on by execution, and regulating the rate and terms upon which the same may be sold.

Which being read,

When Mr. Warner moved to amend said resolution by striking out the words "three fourths," occurring in said resolution after the words "two thirds."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

Ayes,	- . -	13
Nays,	- - - -	8

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Jennings, Laughlin, Ledbetter, Maclin, Matthews, Miller, Nelson, Peyton, Reneau, Warner, Waterhouse, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Frey, Gardner, Hardwicke, Johnson, Martin, Ross, Sevier, and Williams—8.

So said amendment was adopted.

The question then recurred upon the adoption of the resolution as amended, which being had, was determined in the affirmative.

Yeas,	14
Nays,	11

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Miller, Peyton, Powell, Warner, Waterhouse, and Mr. Speaker Turney—14.

The negative voters were,

Messrs. Foster, Frey, Gardner, Jennings, Martin, Munford, Nelson, Reneau, Ross, Sevier, and Williams—11.

So said resolution was adopted.

Mr. Nelson returned "a bill to extend the prison bounds to the limits of the different counties," by him withdrawn for amendment, with the following amendment in lieu of the whole bill after the enacting clause, as follows, to wit:

"That all laws authorising the issuance of a *capias ad respondendum*, or any bail warrant in any civil suit at law, be and the same are hereby repealed."

Which being read,

When Mr. Foster, moved to amend said amendment by adding thereto the following:

"And it shall be lawful for the Court in which a cause is pending at any time, upon affidavit being made, that the defendant is removing himself and his property, or his property from the State, to issue an attachment to attach the property of the defendant."

Which being read,

Mr. Nelson accepts said amendment.

And the question upon the adoption of said amendment in lieu of the whole bill, after the enacting clause, being had, was determined in the affirmative.

So said amendment was adopted in lieu of the original bill.

Which bill, as amended, was read a second time.

And the question upon the passage of said bill being had, was determined in the affirmative.

Yeas,	22
Nays,	2

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Hardwicke, Jen-

nings, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Munford, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Waterhouse, and Mr. Speaker Turney—22.

The negative voters were,

Messrs. Johnson and Warner—2.

So said bill, as amended, was passed upon its second reading in the Senate.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The Speaker of the House of Representatives did this day sign an enrolled resolution from the Senate, entitled "a resolution directory to the County Court of White county," which I am directed to transmit to the Senate.

And then he withdrew.

Whereupon the Speaker of the Senate ordered that said enrolled resolution be deposited in the office of the Secretary of State for the State of Tennessee.

The Senate, on motion of Mr. Gardner, took up and considered a resolution by him submitted on the 8th inst., proposing that a Joint Select Committee be created, to consist of six members, two on the part of the Senate and four on the part of the House of Representatives, and two from each of the Grand Divisions of the State, said committee to be composed of an equal number of both political parties, with instructions to lay off the State into ten Congressional Districts, and the eleventh District to be composed of the whole State; and that said committee report by bill; that the law shall be in force until the rise of the next Legislature.

Which resolution being read,

When, on motion of Mr. Bradberry,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate took up the further consideration of the unfinished business of the morning, being the resolution offered by Mr. Gardner, proposing to lay off the State into Congressional Districts.

And the question upon the adoption of said resolution being had, was determined in the negative.

Ayes, - - -	12
Nays, - - -	13

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, and Waterhouse—12.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Manford, Nelson, Peyton, Reneau, Sevier, Williams, and Mr. Speaker Turney—13.

So said resolution was rejected.

Mr. Reneau presented the following as his protest against the adoption of a resolution directory to the Joint Select Committee on Relief to report a bill to exempt property levied on by execution from sale, unless it will produce two thirds of its value, to wit:

On the resolution just adopted, instructing the Relief Committee to report a bill to free property from sale levied on by execution, unless it shall bring two thirds of its value, I have recorded my vote, for the following reasons:—First, because the constitution requires every bill to be read and passed three several days in each branch of the Legislature before it can become a law, and both branches of the Legislature having adopted a resolution that they will adjourn on Monday next there is not time enough, this being Thursday, to pass such a bill even if it could be reported by the committee in five minutes. Secondly, because I am unwilling to place my name on the journals as being in favor of effectual action on a particular measure when I know that there is not time enough for that action, unless we rescind our adjourning resolution, to do which, if the professions of gentlemen are to be regarded as being in earnest, there is no reason to expect.

For these and other reasons not now necessary to state, I have recorded my vote against said resolution.

LEWIS RENEAU.

Which protest, at the request of Mr. Reneau, was ordered to be enrolled upon the journal of the Senate.

Which is accordingly done.

The Senate took up and considered a bill from the House of Representatives, No. 18, entitled,

A bill to amend the charter of the Bank of Tennessee, and for other purposes.

Which bill was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives, No. 16, entitled,

A bill to authorise the withdrawal of the State subscription, and the cancelling of the State Bonds issued to the Louisville, Cincinnati, and Charleston Railroad Company.

Which bill was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives, No. 23, entitled,

A bill to prevent the sacrifice of property, and for general relief.

Which bill was read a second time and passed.

The Senate took up and considered

A bill, No. 15, to lay off the State into Congressional Districts.

Which bill was read a second time.

When Mr. Warner moved to amend said bill by striking out the 4th, 5th, 6th, 7th, 8th, 9th, 10th, and 11th sections of said bill, as follows:

"Sec. 4. *Be it enacted*, That the counties of Smith, Jackson, Overton, Fentress, White, Van Buren, DeKalb, Macon, and Putnam, shall compose the fourth Congressional District, and shall elect one member to the Congress of the United States.

Sec. 5. *Be it enacted*, That the counties of Warren, Coffee, Franklin, Lincoln, and Cannon shall compose the fifth Congressional District, and shall elect one member to the Congress of the United States.

Sec. 6. *Be it enacted*, That the counties of Davidson, Sumner, Robertson, and Montgomery shall compose the sixth Congressional District, and shall elect one member to the Congress of the United States.

Sec. 7. *Be it enacted*, That the counties of Rutherford, Wilson, and Williamson shall compose the seventh Congressional District, and shall elect one member to the Congress of the United States.

Sec. 8. *Be it enacted*, That the counties of Bedford, Marshall, Maury, and Giles shall compose the eighth Congressional District, and shall elect one member to the Congress of the United States.

Sec. 9 *Be it enacted*, That the counties of Lawrence, Hickman, Wayne, Perry, Hardin, Henderson, McNairy, and Madison shall compose the ninth Congressional District, and shall elect one member to the Congress of the United States.

Sec. 10. *Be it enacted*, That the counties of Dickson, Humphreys, Stewart, Benton, Carroll, Henry, Weakley, and Gibson shall compose the tenth Congressional District, and shall elect one member to the Congress of the United States.

Sec. 11. *Be it enacted*, That the counties of Obion, Dyer, Lauderdale, Tipton, Haywood, Hardeman, Fayette, and Shelby shall compose the eleventh Congressional District, and shall elect one member to the Congress of the United States."

And offered in lieu of said 4th, 5th, 6th, 7th, 8th, 9th, 10th, and 11th sections, the following, to wit:

"Sec. 4. *Be it enacted*, That the counties of Fentress, Overton, Jackson, White, Van Buren, DeKalb, Cannon, Coffee, and Warren shall compose the fourth district, and shall elect one member.

Sec. 5. *Be it enacted*, That the counties of Franklin, Lincoln, Bedford, and Marshall shall compose the fifth district, and shall elect one member.

Sec. 6. *Be it enacted*, That the counties of Giles, Lawrence, Maury, Hickman, Wayne, and Perry shall compose the sixth district, and shall elect one member.

Sec. 7. *Be it enacted*, That the counties of Williamson, Rutherford, and Wilson shall compose the seventh district, and shall elect one member.

Sec. 8. *Be it enacted*, That the counties of Davidson, Sumner, and Smith shall compose the eighth district, and shall elect one member.

Sec. 9. *Be it enacted*, That the counties of Robertson, Montgomery, Dickson, Stewart, Humphreys, Benton, Henry, and Weakley shall compose the ninth district, and shall elect one member.

Sec. 10. *Be it enacted*, That the counties of Obion, Dyer, Gibson, Carroll, Henderson, Madison, and Haywood shall compose the tenth district, and shall elect one member.

Sec. 11. *Be it enacted*, That the counties of Lauderdale, Tipton, Shelby, Fayette, Hardeman, McNairy, and Hardin shall compose the eleventh district, and shall elect one member."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Wan[illegible] moved to amend said bill by striking out the 1st, 2nd, and 3rd sections of said bill, as follows:

"Sec. 1. *Be it enacted*, That the counties of Johnson, Carter, Sullivan, Washington, Greene, Hawkins, and Cocke shall compose the first Congressional District, and shall elect one member to the Congress of the United States.

Sec. 2. *Be it enacted*, That the counties of Claiborne, Campbell, Grainger, Anderson, Jefferson, Knox, Sevier, and Blount, shall compose the second Congressional District, and shall elect one member to the Congress of the United States.

Sec. 3. *Be it enacted*, That the counties of Monroe, McMinn, Roane, Rhea, Meigs, Hamilton, Polk, Bradley, Morgan, Bledsoe, and Marion shall compose the third Congressional District, and shall elect one member to the Congress of the United States."

And offered in lieu of said 1st, 2nd, and 3rd sections the following, constituting the 1st, 2nd, and 3d sections of said bill, as follows:

"Sec. 1. *Be it enacted*, That the counties of Johnson, Carter, Washington, Greene, Jefferson, Cocke, Sevier, and Sullivan shall compose the first Congressional District, and shall elect one member to the Congress of the United States.

Sec. 2. *Be it enacted*, That the counties of Hawkins, Claiborne, Grainger, Campbell, Anderson, Knox, and Blount shall compose the second Congressional District, and shall elect one member to the Congress of the United States.

Sec. 3. *Be it enacted*, That the counties of Morgan, Roane, Monroe, Bledsoe, Rhea, Meigs, McMinn, Polk, Bradley, Hamilton, and Marion shall compose the third District, and shall elect one member to the Congress of the United States."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted in lieu of the 1st, 2nd, and 3rd sections of the original bill.

Said bill, as amended, was read a second time and passed.

On motion of Mr. Turney,

The Senate adjourned until to-morrow morning, 9 o'clock.

FRIDAY, NOVEMBER 11, 1842.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The House of Representatives have taken up and passed upon a third and last reading a bill entitled "a bill to defray the expenses of the second session of the General Assembly of the State of Tennessee;" which I am directed to transmit to the Senate and ask a concurrence therein.

And then he withdrew.

The Senate, on motion of Mr. Nelson, took up the consideration of

A bill to extend the prison bounds to the limits of the different counties.

Which bill was read a third and last time.

When Mr. Foster moved to amend the caption of said bill by substituting in lieu thereof the following:

A bill to repeal all laws authorising bail in civil suits.

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Foster moved to amend said bill by adding thereto the following, constituting the second section of said bill, as follows:

"Sec. 2. *Be it enacted*, That at any time after the commencement of a suit, either in Court or before a justice of the peace, it shall be the duty of the Court in which the suit is pending, or of the Clerk if the suit be in a Court of record, upon the affidavit of the plaintiff, his agent, or attorney, that the defendant is about removing, or is removing himself and property, or his property, out of the State, to issue the writ of attachments to attach the property of the defendant, or so much thereof as will be sufficient to answer the claim of the plaintiff, upon the return of which attachment the Court shall have power to make any order in the premises consistent with right and justice, which attachment shall be subject to the same rules and regulations as original attachments."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

And said bill, as amended, was read a third and last time.

And the question upon the passage of said bill was had and determined in the affirmative.

Ayes, - - - - -	24
Nays, - - - - -	none

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Leabetter, Maclin, Martin, Matthews, Mille , Mun-

ford, Nelson, Peyton, Powell, Reneau, Ross, Warner, Waterhouse, Williams, and Mr. Speaker Turney—24.

The negative voters none,

So said bill was passed upon its third and last reading in the Senate.

Was ordered to be engrossed and transmitted to the House of Representatives.

The Senate, on motion of Mr. Foster, took up the consideration of a bill from the House of Representatives, entitled,

A bill to defray the expenses of the second session of the General Assembly of the State of Tennessee.

Which bill was read a first time and passed.

When, on motion of Mr. Johnson,

Said bill was referred to the Committee on Finance.

Mr. Warner in the Chair.

The Senate, on motion of Mr. Ledbetter, took up the consideration of

A bill for the relief of suitors before justices of the peace, and to regulate the stay of executions.

Which bill was read a second time and passed.

The Senate, on motion of Mr. Turney, took up and considered the vote of the Senate rejecting upon its third and last reading a bill from the House of Representatives entitled

A bill to relieve the people from expense, to reduce the expenses in the administration of the law, to establish two terms of the Circuit Court, and for other purposes.

And the question, will the Senate reconsider the vote rejecting said bill upon its third and last reading in the Senate, was had and determined in the affirmative.

Yeas, - - - -	15
Nays, - - - -	10

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Hardwicke, Jennings, Laughlin, Ledbetter, Maclin, Martin, Matthews, Munford, Peyton, Powell, Warner, Waterhouse, and Mr. Speaker Turney—15.

The negative voters were,

Messrs. Foster, Frey, Gardner, Johnson, Miller, Nelson, Reneau, Ross, Sevier, and Williams—10.

So the Senate re-consider the vote rejecting said bill.

And on motion of Mr. Turney,

Said bill was laid on the table.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have read a memo-

rial from sundry citizens of the counties of Smith and Sumner, protesting against the passage of the bill commonly called the relief bill; which I am directed to transmit to the Senate.

The House of Representatives have adopted "a resolution directory to the Secretary of State; which I am directed to transmit to the Senate, and ask a concurrence therein.

And then he withdrew.

The Senate took up and considered a bill from the House of Representatives, entitled

A bill to authorise the withdrawal of the State subscription, and the cancelling of the State bonds issued to the Louisville, Cincinnati, and Charleston Railroad Company.

Which bill was read a third time.

When Mr. Gardner offered an amendment in lieu of the whole bill, after the enacting clause.

Mr. Gardner afterwards asked and obtained leave to withdraw said bill and amendment for further amendment.

When Mr. Speaker Turney resumed the Chair.

Mr. Frey in the Chair.

Mr. Gardner returned a bill from the House of Representatives, entitled "a bill to authorise the withdrawal of the State subscription and the cancelling of the bonds issued to the Louisville, Cincinnati, and Charleston Railroad Company," by him withdrawn for amendment, with the following amendment, which Mr. Gardner offers in lieu of the whole bill after the enacting clause, to wit:

That the proposition of the State of South Carolina, contained in the third section of an act passed by the Legislature of said State on the 18th day of December, 1840, entitled "an act to authorise the Louisville, Cincinnati, and Charleston Railroad Company, and the South Western Railroad Bank to reduce their Stock, and for other purposes," be, and the same is hereby accepted on part of this State.

Sec. 2. *Be it enacted*, That the Treasurer of this State be, and he is hereby authorised and directed to pay to the President of the Board of Directors for the Louisville, Cincinnati, and Charleston Railroad Company, or his agent, upon application, the sum of eighteen thousand seven hundred and twenty dollars; *Provided*, that such application be accompanied by a surrender of thirty-two thousand dollars of five per cent State Bonds issued by the Governor of Tennessee on the 21st day of January, 1839, and delivered to said Company in payment of the first instalment which fell due on the amount of stock subscribed by this State in said Company, which bonds when so surrendered, shall be delivered by the Treasurer to the President of the Bank of Tennessee, who is hereby directed to cancel or destroy the same.

Sec. 3. *Be it enacted*, That so soon as said bonds shall have been surrendered, as provided in the preceding section of this act, the State of Tennessee hereby releases all its stock to said Company, and the partnership heretofore existing between this State and the other Stockholders in said Company shall be considered finally dissolved, and the State of Tennessee as fully discharged from all further liability upon the

stock subscribed for by her in said Company as though she had never taken the same."

Which being read,

When Mr. Gardner moved the adoption of said amendment.

When, on motion of Mr. Foster,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate took up and considered a bill from the House of Representatives, No. 28, entitled

A bill to prevent the sacrifice of property and for general relief.

Which bill was read a third and last time.

When Mr. Ashe moved to amend said bill by striking out the word "ten," occurring in the tenth line of the first section of said bill, after the words "unless there be at least," and to insert in lieu thereof the words "five, exclusive of the officer, plaintiff, and defendant."

Which being read,

When Mr. Nelson moved to amend the amendment proposed by Mr. Ashe, by adding thereto, as follows: "that neither of the five persons required to be present at said sale by this act shall be shavers."

Which being read,

And the question upon the adoption of the amendment proposed by Mr. Nelson to the amendment offered by Mr. Ashe, being had, was determined in the negative.

Yeas,	-	-	-	8
Nays,	-	-	-	16

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Hardwicke, Jennings, Johnson, Nelson, Ross, Sevier, and Mr. Speaker Turney—8.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Munford, Peyton, Powell, Reneau, Warner, and Williams—16.

So said amendment was rejected.

Mr. Nelson then moved an indefinite postponement of said bill with the amendments thereon.

And the question upon the indefinite postponement of said bill, with the proposed amendments thereto, being had, was determined in the negative

Ayes,	-	-	-	9
Nays,	-	-	-	15

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Jennings, Johnson, Martin, Nelson, Ross, Sevier, Williams, and Mr. Speaker Turney—9.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Hardwicke, Laughlin, Ledbetter, Maclin, Matthews, Miller, Munford, Peyton, Reneau, Warner, and Waterhouse—15.

So said motion indefinitely to postpone said bill, with the proposed amendments, was rejected.

Mr. Nelson moved to amend said amendment by adding thereto the following:

"*Provided, always*, That said five persons required to be present to legalize a sale under this act shall be freeholders."

Which being read,

And the question upon the adoption of said amendment to the amendment proposed by Mr. Ashe, being had, was determined in the negative.

Yeas,	9
Nays,	14

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Frey, Gardner, Jennings, Johnson, Nelson, Ross, Sevier, Williams, and Mr. Speaker Turney—9.

The negative voters were,

Messrs. Ashe, Bradberry, Hardwicke, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Munford, Peyton, Reneau, Warner, and Waterhouse—14.

So said amendment was rejected.

The question then recurred upon the adoption of the amendment proposed by Mr. Ashe, which being had, was determined in the affirmative.

Ayes,	13
Nays,	11

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Hardwicke, Laughlin, Ledbetter, Maclin, Matthews, Miller, Munford, Peyton, and Reneau—13.

The negative voters were,

Messrs. Gardner, Jennings, Johnson, Martin, Nelson, Ross, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney—11.

So said amendment was adopted.

And said bill, as amended, was read a third and last time.

And the question upon the passage of said bill, as amended, was had, and determined in the negative.

Yeas,	11
Nays,	14

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Hardwicke, Laughlin, Maclin, Matthews, Miller, Peyton, Reneau, Warner, and Waterhouse—11.

The negative voters were,

Messrs. Foster, Frey, Gardner, Jennings, Johnson, Ledbetter, Martin, Munford, Nelson, Powell, Ross, Sevier, Williams, and Mr. Speaker Turney—14.

So said bill, as amended, was rejected upon its third and last reading in the Senate.

Ordered, That said bill, with the amendment, be transmitted to the House of Representatives, and that the clerk acquaint the House therewith.

Mr. Munford moved that the Senate reconsider the vote rejecting a bill from the House of Representatives entitled

A bill to prevent the sacrifice of property, and for general relief.

Mr. Hardwicke submitted the following:

"*Resolved*, That the thanks of the Senate be tendered to the Speaker of the Senate for the very able, impartial, and dignified manner in which he has discharged the duties of the Chair during the present session."

Which resolution was read and laid on the table.

Mr. Foster, Chairman of the Joint Select Committee on Relief, to which had been referred "a bill for the relief of debtors to the Bank of Tennessee and its Branches;" reports that said committee have had the same under consideration, and that said committee had instructed him to report said bill with the following amendment, to wit:

Sec. 4. *Be it enacted*, That it shall be the duty of the Bank of Tennessee and its Branches to renew the notes due and payable to said Bank and Branches upon the payment of the interest due at the times of renewal; *Provided*, the payment of the money called for in said notes shall be, in the judgment of the President and Directors of said Bank and Branches, well secured at each renewal."

And with said amendment to recommend the passage of said bill.

To which report the Chairman of said Committee begs leave to dissent to said amendment; all of which is most respectfully submitted to the consideration of the Senate.

Which report being read,

Mr. Ledbetter moved that the Senate nonconcur in said amendment.

And the question upon the nonconcurrence of the Senate in the amendment reported by the Chairman of said Committee, being had, was determined in the affirmative.

Ayes,	23
Nays,	1

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Munford, Nelson, Peyton, Powell, Ross, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney—23.

Mr. Reneau voting in the negative.

So the Senate nonconcur in said amendment reported by the Chairman of said Committee recommending the passage of said bill with the amendment reported.

Mr. Munford moved to amend said bill by adding thereto the following proviso:

"*Provided*, the second section of this act shall apply only to accommodation notes."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

And said bill, as amended, was read a second time and passed.

Mr. Ashe moved that the Senate take up the consideration of a resolution by him submitted on Wednesday, the 8th inst., proposing to elect by the joint vote of both Houses of the General Assembly, two Senators to the Congress of the United States.

And the question thereupon being had, was determined in the negative.

Ayes,	12
Nays,	13

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Foster, Frey, Jennings, Ledbetter, Munford, Nelson, Peyton, Reneau, Sevier, and Williams—12.

The negative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney—18.

So the Senate refused to take up the consideration of said resolution.

Mr. Laughlin submitted the following:

Whereas there are important bills pending before both Houses proposing to lay off Congressional Districts, and other measures requiring the deliberate action of the Legislature, and which cannot be given so

said measures if the General Assembly shall adjourn *sine die* on Monday next; therefore

Resolved by the General Assembly of the State of Tennessee, That the resolution heretofore passed by both Houses for the adjournment on Monday the 14th inst., be and the same is hereby rescinded.

Which being read,

Was ordered to the table.

The Senate took up the consideration of a bill from the House of Representatives, No. 18, entitled,

A bill to amend the charter of the Bank of Tennessee, and for other purposes.

Which bill was read a first time.

When Mr. Nelson moved to amend said bill by striking out the words "two thousand dollars," in the eighth line of the first section of said bill, and insert in lieu thereof the words "one thousand dollars."

Which being read,

Mr. Gardner moved to amend the amendment proposed by Mr. Nelson by adding thereto the following:

"Limiting accommodations to directors living in the county where the Bank or Branch of which he is a member is located, to one thousand dollars, and allowing those directors who live out of the county to receive accommodations to the amount of two thousand dollars."

Which being read,

And the question upon the adoption of said amendment to the amendment proposed by Mr. Nelson, being had, was determined in the negative.

Yeas,	2
Nays,	20

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry and Gardner—2.

The negative voters were,

Messrs. Foster, Frey, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Munford, Nelson, Peyton, Powell, Ross, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney—20.

So said amendment was rejected.

The question then recurred upon the adoption of the amendment offered by Mr. Nelson, which being had, was determined in the negative.

Yeas,	5
Nays,	17

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Matthews, Nelson, Waterhouse, Williams, and Mr. Speaker Turney—5.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Martin, Miller, Peyton, Reneau, Ross, Sevier, and Warner—17.

So said amendment was rejected.

Mr. Gardner moved to amend said bill by adding thereto the following, constituting the 10th section to said bill, to wit:

SEC. 10. *Be it enacted*, That after the first day of January, 1844, the quarterly statements of the condition of the principal Bank and Branches shall show the amount of the indebtedness of each director to such principal Bank and Branches.

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

Yeas,	10
Nays,	14

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Frey, Gardner, Jennings, Johnson, Matthews, Peyton, Waterhouse, Williams, and Mr. Speaker Turney—10.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Hardwicke, Laughlin, Ledbetter, Maclin, Martin, Miller, Powell, Reneau, Ross, Sevier, and Warner—14.

So said amendment was rejected.

The question then recurred upon the passage of said bill upon its third and last reading, which being had, was determined in the affirmative.

Yeas,	12
Nays,	11

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Laughlin, Nelson, Peyton, Reneau, Sevier, and Williams—12.

The negative voters were,

Messrs. Hardwicke, Johnson, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney—11.

So said bill was passed upon its third and last reading in the Senate.

And was ordered to be transmitted to the House of Representatives for enrolment.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives took up and considered and passed upon its third and last reading, an engrossed bill, entitled "a bill to provide for the appointment of Bank Commissioners to improve the condition and promote the safety and efficiency of the Bank of Tennessee, to preserve unimpaired the school funds of the State, and to guard the people from future taxation for the payment of the State debt;" which I am directed to transmit to the Senate and ask a concurrence therein.

And then he withdrew.

The Senate took up the consideration of a bill from the House of Representatives, No. 20, entitled

A bill to provide for the appointment of Bank Commissioners to improve the condition and promote the safety and efficiency of the Bank of Tennessee, to preserve unimpaired the school fund of the State, and to guard the people from future taxation for the payment of the State debt.

Which bill was read a first time.

When Mr. Powell moved to amend said bill by striking out of the ninth line of the first section the word "joint," and insert in lieu thereof the word "concurrent."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

Ayes, - - -	13
Nays, - -	12

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Mumford, Nelson, Peyton, Reneau, Sevier, and Williams—12.

So said amendment was adopted.

Mr. Ledbetter moved to amend said bill by striking out at the end of the first section the following words, to wit: "the Whigs to nominate two and the Democrats one Commissioner to be elected."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

Ayes, - - -	13
Nays, - - - -	11

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Munford, Nelson, Peyton, Reneau, Sevier, Williams, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Ross, Warner, and Waterhouse—11.

So said amendment was adopted.

The question then recurred upon the rejection of said bill upon its first reading, which being had, was determined in the negative.

Ayes, - - - -	12
Nays, - - - -	13

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, and Waterhouse—12.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Munford, Nelson, Peyton, Reneau, Sevier, Williams, and Mr. Speaker Turney—13.

So said bill was passed upon its first reading in the Senate.

On motion of Mr. Jennings,

The Senate adjourned until to-morrow morning, 9 o'clock.

SATURDAY, November 12, 1842.

Mr. Johnson, a Senator from the counties of Greene and Hawkins, presented to the Senate his protest in writing, against the passage of a bill entitled "an act to apportion the representation in the General Assembly of the State of Tennessee," passed 26th October, 1842, and asks that the same be enrolled on the Journal of the Senate.

Which is accordingly done, in the following words, to wit:

PROTEST.

The undersigned, a member of the Senate of the General Assembly of the State of Tennessee, in the exercise of a right secured in the 2d article, 27th section of the Constitution of Tennessee, to "any member of either House of the General Assembly," protests against the passage of an act passed on the 25th day of October, 1842 known and designated "an act to apportion the representation in the General Assembly of the State of Tennessee," as unjust, unequal, and unconstitutional, disfranchising one portion of the freemen of this State, and giving to another portion an undue representation in the councils of the

same; and the undersigned also protests against the overbearing, tyranical, and obstinate manner in which all amendments offered to the above described act, were voted down, by a majority of the Senate, in the face of facts and arguments, shewing conclusively, the manifest and flagrant outrage committed upon the freemen of Greene, Hawkins, Washington, and Sullivan counties, in depriving nearly eighteen hundred freemen of the elective franchise; and the undersigned respectfully submits the following reasons for this his dissent, and protests against the passage of the above described act.

1st. Because the 5th and 6th sections of the second article of the Constitution of this State has been wholly disregarded, in laying the State off into Senatorial and Representative Districts, which is in the following words, to wit: "The number of Representatives, shall at several periods of making the enumeration, be apportioned among the several counties or districts according to the qualified voters in each. *Provided*, any county having two thirds of the ratio, shall be entitled to one member.

That portion of the 6th section of the Constitution applicable to Senatorial Districts is in the following words, to wit: "In apportioning the Senators among the different counties, the practice that may be best by any county or counties in the apportionment of members to the House of Representatives, shall be made up to such county or counties in the Senate, as near as may be practicable."

A few facts will show that the principle laid down in the above recited sections of the Constitution of the State has been overlooked, and wholly disregarded, and seventeen hundred and seventy freemen in the two first Senatorial Districts, deprived of the right of representation in the Legislature of this State. The whole voting population of the State is one hundred and twenty thousand and eighty three, to divide this number by seventy-five, and it gives a ratio of sixteen hundred and one, and a small remainder thrown off. In settling down upon the number of Senators that each grand division of the State is entitled to, East Tennessee gets eight Senators; divide the voting population of East Tennessee by eight, which is thereby six thousand nine hundred and forty, and it gives a ratio of four thousand six hundred and seventeen.

The first Senatorial District, composed of the counties of Johnson, Carter, Sullivan, and Washington, contain a voting population of five thousand and thirty four, with only three representatives, as the bill was first reported by the committee, leaving a fractional excess of two hundred and thirty-one, in the Representative branch.

Then deduct four thousand six hundred and seventeen, the Senatorial ratio, from five thousand and thirty-four, the whole number in the first district, and it will have a Senatorial fractional excess of four hundred and seventeen, add the two fractional excesses together and it would make six hundred and forty eight, unrepresented, instead of being made up to those counties in the Senate, as required in the above recited section of the Constitution of the State.

2nd. Because the second District, composed of the counties of

Greene and Hawkins, has been similarly treated, but to a much more aggravated extent.

The voting population being some hundreds greater, the qualified voters numbering five thousand two hundred and seventy-one, with only three Representatives, leaving a Representative fractional excess of four hundred and sixty-eight then deduct four thousand six hundred and seventeen, the Senatorial ratio, from five thousand two hundred and seventy-one, the whole voting population in the second district, and it leaves a Senatorial fractional excess of six hundred and fifty four, add the two fractional excesses together and it makes the grand total of eleven hundred and twenty-two, and then add insult to injury, that was not to be borne, by taking away one third of one member, and transferring it to another Senatorial District, which is equal to five hundred and thirty-three voters, diminishing the excess in the first district and increasing the already enormous excess in Hawkins and Greene, from about eleven hundred and twenty-two, to sixteen hundred and fifty five, which is partial, unjust, and in the opinion of the undersigned, a palpable violation, both of the letter and spirit of the Constitution of this State.

3rd. Because it was *practicable*, to have apportioned the representation among the several counties and qualified voters than the above described act has done. By giving to the counties of Greene and Washington one member jointly, by giving to the counties of Hawkins and Sullivan, one member jointly, would have approximated much nearer justice and in representation, and the plain and obvious requirements of the letter and spirit of the Constitution of the State.

4th. Because a Representative has been taken away from the second District, composed of the counties of Greene and Hawkins, containing an excess of sixteen hundred and fifty five; fifty four more than the ratio of one member, and transferred to the eight Senatorial District, with an excess of only six hundred and ninety-four, add the fractions in the eighth and sixth together, and it makes a fractional excess of seven hundred and fifty-nine. By adding the fractional excesses of the first and second districts together, and they make the enormous fractional excess of seventeen hundred and seventy qualified voters that are wholly deprived of Representation, in the most numerous branch of the General Assembly of Tennessee, while seven hundred and fifty-nine in the sixth and eighth Senatorial Districts get one entire Representative.

5th. Because the county of Knox, with a population of only twenty-five hundred and ninety-nine qualified voters, get one Senator, while the county of Greene, with a voting population of twenty-eight hundred and thirty one, get a half Senator, or in other words, Greene and Hawkins, with five thousand two hundred and seventy-one qualified voters, have one jointly, a difference in the voting population of two thousand six hundred and seventy-two. Because the county of Marion, with a voting population less than twe thirds of the ratio, the requirement of the Constitution, with a small excess, from Hamilton, get one member, with sixteen hundred and fifty-five in Greene and Hawkins, more than the entire ratio, is overlooked and wholly disregarded.

6th. Because the undersigned looks upon the above described act as a species of partial, unfair, and unconstitutional legislation, wresting from one portion of the freemen of the State the inestimable right of representation, and conferring it upon another portion of the citizens of the same State, and because the undersigned is of the deliberate opinion, that the above recited act has been the result of a specious management on the part of some of the committee who had the interest of the lower counties in East Tennessee, confided to their care, and a want of political tact and sagacity, resulting from imbecility on the part of those who had the rights of the upper counties entrusted to their keeping, or it has been the result of a bargain and sale deliberately entered into.

The undersigned will not be understood in the expression of his opinion, as charging that there was a political "judas" on that committee from the upper counties in East Tennessee, who has brought seventeen hundred and seventy freemen into market from the counties of Greene, Hawkins, Sullivan, and Washington, and sold them as sheep in the shambles, for "*the thirty pieces of silver.*"

7th. Because the above recited act gives to one of the political parties, by an arrangement of the Senatorial Districts, an undue advantage in all contests for the ascendency in the Senatorial branch of the General Assembly of this State, by including in the four democratic districts, six thousand and fifty-six more than those in the whig districts, which number divided by four will make an average of fifteen hundred and fourteen more qualified voters in each democratic district than there is in each whig district, making it politically impossible for East Tennessee to change her party complexion in the Senate of the General Assembly of the State of Tennessee, until there can be a party gain of more than six thousand voters, which in the opinion of the undersigned in violation of the first principles of a popular form of government, and retains a minority in power, contrary to the will of a majority, which is at war with the genius and spirit of our free institutions, and if tolerated, will ultimately defeat the great design of the Constitution, that is so admirably calculated to give each free citizen his fair proportion of political power.

8th. Because a majority of the Senate refused to adopt, and did reject all amendments offered to the above recited act, from the most important, down to the trivial amendment of striking out "Major" and inserting "William," thereby manifesting a fixed determination to pass the above recited act, in its crude and imperfect state, and its passage, crush beneath the *iron heel* of an obstinate and tyranical majority, the elective franchise of seventeen hundred freemen.

The undersigned asks and requests that the facts and reasons as above set forth, be spread upon the journal of the Senate at length, for the information of the sovereign people of this State at large, and particularly his immediate constituents.

A. JOHNSON.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have took up and

passed upon its third reading, a bill entitled "a bill to divide the State into districts, for the election of Representatives to the Congress of the United States.

The House of Representatives have adopted a resolution proposing that the Senate meet the House at their Hall, on Monday, the 14th inst., for the purpose of electing two Senators to the Congress of the United States; in which bill and resolution the House asks the concurrence of the Senate.

And then he withdrew.

The Senate took up the consideration of a message from the House of Representatives, transmitting a bill from the House No. 22, entitled

A bill to divide the State into districts, for the election of Representatives to the Congress of the United States.

Which bill was read a first time.

When Mr. Ross offered an amendment thereto.

Which amendment Mr. Ross afterwards asked and obtained leave to withdraw.

When Mr. Williams offered the following amendment in lieu of the first section of said bill, after the enacting clause, to wit:

"That the counties of Johnson, Carter, Sullivan, Washington, Hawkins, Greene, and Cocke shall compose the first Congressional District, and shall elect one representative to the Congress of the United States.

Sec. 2. That the counties of Jefferson, Grainger, Claiborne, Campbell, Anderson, Knox, Roane, and Morgan shall compose the second Congressional District, and shall elect one representative to the Congress of the United States.

Sec. 3. That the counties of Sevier, Blount, Monroe, McMinn, Polk Bradley, Hamilton, Marion, Bledsoe, Rhea, and Meigs shall compose the third Congressional District, and shall elect one representative to the Congress of the United States.

Sec. 4. That the counties of Fentress, Overton, Jackson, De Kalb, White, Van Buren, Warren, and Coffee shall compose the fourth Congressional District, and shall elect one representative to the Congress of the United States.

Sec. 5. The counties of Franklin, Bedford, Lincoln, and Marshall shall compose the fifth Congressional District, and shall elect one representative to the Congress of the United States.

Sec. 6. The counties of Smith, Sumner, and Davidson shall compose the sixth Congressional District, and shall elect one representative to the Congress of the United States.

Sec. 7. The counties of Wilson, Cannon, Rutherford, and Williamson shall compose the seventh Congressional District, and shall elect one representative to the Congress of the United States.

Sec. 8. The counties of Giles, Maury, Lawrence, Wayne, and Hardin shall compose the eighth Congressional District, and shall elect one representative to the Congress of the United States.

Sec. 9. The counties of Carroll, Gibson, Henderson, Perry, Hardeman, McNairy, and Weakley shall compose the ninth Congressional

District, and shall elect one representative to the Congress of the United States.

Sec. 10. The counties of Henry, Stewart, Montgomery, Dickson, Humphreys, Benton, Robertson, and Hickman shall compose the tenth Congressional District, and shall elect one representative to the Congress of the United States.

Sec. 11. The counties of Shelby, Fayette, Tipton, Haywood, Lauderdale, Dyer, Madison, and Obion shall compose the eleventh Congressional District, and shall elect one representative to the Congress of the United States.

Which being read,

When a question of order arose as to the admissibility of said amendment, upon the first reading of the bill.

The Chair decided, "that it was not according to the strict rules of the Senate to amend on the first reading of a bill; said reading being for information; but that it had prevailed in the Senate to some extent, and that he would not *now* control it, but would, permit the Senate to entertain the motion to amend on the first reading of a bill."

From which decision of the chair, Mr. Powell appealed directly to the Senate; and submitted the following statement:

"Mr. Powell understood it to be the judgment of the chair that it was not in order to amend on the first reading of a bill, but decides it to be in order because the Senate had heretofore permitted it to be done; he then appealed, not from the decision of the chair, and could not from courtesy, vote to sustain a decision, that, in the judgment of the Speaker, violated established rules of parliamentary law."

And the question shall the decision of the chair, entertaining a motion to amend a bill upon its first reading in the Senate, be sustained? being had, was determined in the affirmative.

Yeas,	21
Nays,	3

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Gardner, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Mumford, Nelson, Peyton, Reneau, Ross, Sevier, Warner, Waterhouse, Williams, and Mr. Speaker Turney—21.

The negative voters were,

Messrs. Hardwicke, Miller, and Powell—3.

So the Senate sustains the decision of the chair, entertaining the motion to amend said bill upon its first reading in the Senate.

The question then recurred upon the adoption of the amendment offered by Mr. Williams, in lieu of the first section of said bill, which being had, was determined in the negative.

Yeas,	13
Nays,	13

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Hastings, Ledbetter, Manford, Reneau, Sevier, and Williamson—10.

The negative voters were,

Messrs. [illegible] Matthews, Mitchell, Turner, Warehouse, and Mr. Speaker—13.

So said bill was rejected.

Ordered, That said bill be transmitted to the House of Representatives, and that the clerk announce to the House the rejection of said bill on its first reading in the Senate.

And then he withdrew.

The House of Representatives, to wit:

Ayes, - - - - 10
Noes, - - - - 12

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, [illegible], Ledbetter, Manford, Reneau, Sevier, and Williamson—10.

The negative voters were,

Messrs. Barber, Hardwicke, Johnson, [illegible], Matthews, Miller, Powell, Walker, Watehouse, and Mr. Speaker—13.

So said bill was rejected upon its first reading in the Senate.

Ordered, That said bill be transmitted to the House of Representatives, and that the clerk announce to the House the rejection of said bill on its first reading in the Senate.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and considered, and passed upon its third and last reading, a bill for the relief of the people of Tennessee, by prolonging the stay of executions upon judgments before Justices of the Peace; which I am directed to transmit to the Senate, and ask a concurrence therein.

The House of Representatives have taken up and considered the Senate's bill No 10, entitled "a bill to amend an act entitled an act to provide for the payment of two hundred thousand dollars to East Tennessee and the Western District, in full discharge of their claim against the State for River Bonds, under the act of 1837—8, and for other purposes, passed day of , 1842, chapter 77.

Which bill was passed in the House on its third reading, with sundry amendments thereto, herewith transmitted; in which I am directed to ask the concurrence of the Senate.

And then he withdrew.

The Senate took up and considered a bill from the House of Representatives, entitled

A bill to defray the expenses of the second session of the 24th General Assembly of the State of Tennessee.

Which bill was read a second time,

When Mr. Laughlin moved to amend said bill, by adding thereto at the end of the first section as follows, to wit:

"That hereafter on a certified copy of the record of any county court of any county establishing the same, presented to the Secretary of State, that any new civil district since the year 1838 has been established in any county in this State, and which said civil district has not been heretofore furnished with two copies of Caruthers and Nicholson's Revisal of the Laws, according to law, it shall be the duty of the Secretary of State to furnish said books to the clerk of such county court, for the use of such civil district or districts, taking a receipt for the same, and the Comptroller of the Treasury shall audit and pass the account of the Secretary of State for the cost of such books, and issue his warrant or warrants for the same, and the same shall be paid by the Treasurer out of any unappropriated money in the treasury; *provided*, that before the Secretary shall be authorised to supply said books, the clerk of such court shall make an affidavit before some Justice of the Peace, and file the same with the Secretary of State, stating therein, that such copies of said books as applied for have not before been furnished by the State, and that such new civil district or districts are destitute of the same."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

And said bill as amended was read a second time and passed.

The Senate took up and considered a bill from the House of Representatives, entitled

A bill for the relief of the people of Tennessee, by prolonging the stay of executions before justices of the peace.

Which bill was read a first time and passed.

The Senate took up the consideration of a message from the House of Representatives transmitting a resolution directory to the Secretary of State, relating to the printing of the acts of the present General Assembly, and the distribution of the same among the several counties in this State, under the act of 1841.

Which being read,

Mr. Warner moved to amend said resolution by inserting in the tenth line, after the words "officers of the State," the following words, to wit: "that the new counties not heretofore furnished be supplied with the proper number."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Nelson moved to amend said resolution by adding thereto as fol-

lows, to wit: "That the same number of acts and journals be furnished, and to the same officers as directed by the act of 1841."

Which being read,

And the question thereon had, was determined in the affirmative.

So said amendment was adopted.

And said resolution, as amended, was concurred with, and ordered to be transmitted to the House of Representatives.

Ordered, That the clerk announce to the House of Representatives the concurrence of the Senate in said resolution, as amended, and ask the concurrence of the House in said amendments made by the Senate.

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Senate took up and considered a message from the House of Representatives transmitting the Senate's bill, No. 10, entitled "a bill to amend an act entitled an act to provide for the payment of two hundred thousand dollars to East Tennessee and the Western District, in full discharge of their claim against the State for river bonds, under the act of 1837 8, and for other purposes," passed the day of 1842, chapter 77, passed by the House upon its third reading, with sundry amendments therewith transmitted to the Senate, in which amendments the House asks the concurrence of the Senate.

Which amendments, made by the House of Representatives to said bill, being read,

And the question upon a concurrence in the several amendments made by the House to said bill being had, was determined in the affirmative.

So the Senate concur in the several amendments made by the House to said bill.

Ordered, That the clerk announce to the House of Representatives the Senate's concurrence in the several amendments made by the House to said bill, and that said bill, as amended, be enrolled and signed by the Speaker of the Senate.

Mr. Reneau moved that the Senate do take up the consideration of a message from the House of Representatives transmitting a resolution adopted by the House of Representatives proposing that the Senate meet the House in the Hall of the House of Representatives on Monday, the 14th inst., for the purpose of electing two Senators to the Congress of the United States from the State of Tennessee.

And the question, will the Senate take up the consideration of the message transmitting said resolution, being had, was determined in the negative.

Yeas, - - - -	12
Nays, - - - -	13

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Munford, Nelson, Peyton, Reneau, Sevier, and Williams—12.

The negative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney—13.

So the Senate refuse to take up and consider said resolution.

Mr. Laughlin moved that the message be sent to the House of Representatives, respectfully requesting the House to re-transmit to the Senate a bill from the House of Representatives, entitled "a bill to divide the State into Districts for the election of Representatives to the Congress of the United States," rejected by the Senate upon its first reading; which bill has been transmitted to the House by the clerk of the Senate, where it now remains.

Which being considered of by the Senate,

Said motion prevailed.

Ordered, That the clerk respectfully request the House of Representatives to re-transmit said bill to the Senate for the further action of the Senate thereon to be had.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: I am directed to retransmit to the Senate the House's bill, No. 22, entitled "a bill to divide the State into Districts for the election of Representatives to the Congress of the United States," in conformity to the wishes of the Senate, communicated to the House of Representatives by a message from the Senate.

The House of Representatives have passed upon its third and last reading, the Senate's bill, No. 18, with sundry amendments thereto, herewith transmitted, which I am directed to transmit to the Senate and ask a concurrence therein.

And then he withdrew.

The Senate took up and considered a bill from the House of Representatives entitled

A bill to provide for the appointment of Bank Commissioners, to improve the condition and promote the safety and efficiency of the Bank of Tennessee, to preserve unimpaired the school fund of the State, and to guard the people from future taxation for the payment of the State debt.

Which bill was read a second time.

When Mr. Powell moved to amend said bill by filling the blank in the second line of the 6th section with the sum of "fifty cents."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the negative.

Ayes,	-	-	-	11
Nays,	-	-	-	14

The ayes and nayes being demanded,

The affirmative voters were,

Messrs. Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Waterhouse, and Mr. Speaker Turney—11.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Ledbetter, Munford, Nelson, Peyton, Reneau, Sevier, Warner, and Williams —14.

So said amendment was rejected.

Mr. Laughlin moved the indefinite postponement of said bill.

And the question thereon being had, was determined in the affirmative.

Yeas,	-	-	-	-	13
Nays,	-	-	-	-	12

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Munford, Nelson, Peyton, Reneau, Sevier, and Williams—12.

So said bill was indefinitely postponed upon its first reading in the Senate.

Ordered, That said bill be transmitted to the House of Representatives, that the clerk announce to the House the indefinite postponement of said bill upon its first reading in the Senate.

Mr. Laughlin moved the Senate that a message be sent to the House of Representatives respectfully requesting the House to retransmit to the Senate a bill from the House of Representatives entitled "a bill to amend the charter of the Bank of Tennessee, and for other purposes," for the further consideration of the Senate thereupon to be had.

The Senate took up and considered a message from the House of Representatives transmitting the Senate's bill, No. 18, entitled "a bill to relieve the people of this State by amending the act passed July 28th, 1820, chapter 11, entitled 'an act to prevent a sacrifice of real estate, and for other purposes,'" passed upon its third reading in the House, with sundry amendments herewith transmitted.

Which being read,

When Mr. Sevier moved to amend the amendment of the House by adding thereto the following:

"*Provided*, That the plaintiff shall be compelled to keep a strict account of the outlays and receipts arising out of the possession of property acquired by execution, so as to arrive at the exact amount of *mesne* profits made by the use and benefit of the defendant; *And provided fur-*

ther, That the said plaintiff shall be accountable to said defendant, his heirs, or assignees, for the full amount of said profits, upon the redemption of said property by the defendant, his heirs, or assignees, within the time specified in the above act, upon the receipt by the plaintiff, his heirs, or assignees, of the full amount of the debt and costs, with interest at the rate of six per cent. per annum, as aforesaid; And it is still further *provided*, that the defendant shall not be accountable for the unnecessary expenses on outlays in the protection or management of his property during the time it is from under his control."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the negative.

So said amendment was rejected.

Mr. Williams moved to amend the second amendment made by the House to said bill by striking out the word "March" and insert in lieu thereof the word "January."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment to the second amendment made by the House to said bill was adopted.

So the Senate concur in the amendment of the House made to said bill as amended.

Ordered, That the clerk announce to the House of Representatives the concurrence of the Senate in the amendments made by the House to said bill, as amended by the Senate, and ask a concurrence therein.

Mr. Ross moved that the Senate do reconsider the vote rejecting a bill from the House of Representatives, No. 22, entitled "a bill to divide the State into Districts for the election of Representatives to the Congress of the United States," rejected by the Senate upon the first reading of said bill.

The Senate took up and considered

A bill for the relief of debtors to the Bank of Tennessee and its branches.

Which bill was read a third time.

When Mr. Foster moved to amend said bill by inserting in the seventh line of said bill, after the words "reduced to fifty dollars," the words "if the amount called for shall be paid."

Mr. Foster moved further to amend said bill by inserting in the 5th line of the 3rd section of said bill, after the words "costs of the same," the words "by the defendant;" and also inserting in the 7th line of the 3rd section of said bill, after the words "upon said note or notes," the words "by the maker or makers of said notes and the usual call."

Which being read,

And the question upon the adoption of said several amendments being had, was determined in the affirmative.

So said several amendments were adopted.

And said bill, as amended, was read a third and last time.

And the question upon the passage of said bill was had and determined in the affirmative.

Yeas, - - - - 17
Nays, - - - - 7

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Foster, Frey, Hardwicke, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Nelsen, Peyton, Sevier, Warner, Waterhouse, and Mr. Speaker Turney—17.

The negative voters were,

Messrs. Ashe, Bradberry, Gardner, Jennings, Munford, Ross, and Williams—7.

So said bill was passed upon its third and last reading in the Senate.

Was ordered to be engrossed and transmitted to the House of Representatives.

Ordered, That the clerk acquaint the House therewith, and ask a concurrence therein.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: I am directed by the House of Representatives to retransmit to the Senate the House's bill, entitled "a bill to amend the charter of the Bank of Tennessee, and for other purposes," passed on its third and last reading in the Senate, in compliance with a message from the Senate requesting the re-transmission of said bill.

And then he withdrew.

Mr. Laughlin moved that the Senate do reconsider the vote of the Senate, passing upon its third and last reading, a bill from the House of Representatives entitled

A bill to amend the charter of the Bank of Tennessee, and for other purposes.

And the question, will the Senate reconsider the vote of the Senate upon the passage of said bill upon its third and last reading in the Senate, being had, was determined in the negative.

Yeas, - - - - - 10
Nays, - - - - - 14

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Powell, Ross, Waterhouse, and Mr. Speaker Turney—10.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Ledbetter, Miller, Nelson, Peyton, Reneau, Sevier, Warner, and Williams—14.

So said motion to reconsider the Senate's vote passing said bill upon its third and last reading was rejected.

Ordered, That the clerk transmit said bill to the House of Representatives and acquaint the House therewith.

The Senate took up and considered a message from the House of Representatives transmitting a resolution adopted by the House directory to the public printer to publish a copy of the Governor's Message with the acts of the present General Assembly, and requiring the Attorney General to prepare an index to the acts passed at the last General Assembly and at the session previous thereto, and at the present session.

Which being read,

When Mr. Barton asked and obtained leave to withdraw his amendment.

And the question upon a concurrence in said resolution being had, was determined in the negative.

So the Senate nonconcurred therein.

Ordered, That the clerk transmit said resolution to the House of Representatives, and announce to the House the nonconcurrence of the Senate therein.

Mr. Graham submitted the following:

Whereas an unhappy party division has hitherto prevented the Legislature of the State from filling by two vacant seats in the Senate of the United States.

And whereas, the honor of the State and the public interest imperiously demand an adjustment of this "vexed question" at the present extra session.

And whereas, it is believed that all the reasons do now exist in full force which existed at the last regular session of this General Assembly, in favor of a fair, liberal, and patriotic compromise between the two political parties in the election of Unated States Senators—therefore

Resolved by the General Assembly of the State of Tennessee, That a citizen of the county of be, and he is hereby chosen a Senator to the Congress of the United States for six years from the fourth of March last, in the place of the Hon. Alexander Anderson, whose term of service then expired, and that a citizen of the county of be, and he is hereby chosen a Senator to the Congress of the United States to serve out the unexpired time of the Hon. Felix Grundy, deceased.

Which being read,

Was ordered to the table.

The Senate adjourned until Monday morning next, at 9 o'clock.

MONDAY, NOVEMBER 14, 1842.

The Senate was opened with prayer, by the Rev. R. B. C. Howell, Pastor of the Baptist Church, of the city of Nashville.

Mr. Martin in the Chair.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The House of Representatives took up and consi --

rd a bill from the Senate, No. 2, entitled "a bill to provide for the redemption of slaves and other personal property;" which bill was read a third and last time and rejected.

Also, a bill from the Senate, No. 4, entitled "a bill to give further time for the different Sheriffs to pay over the county revenue;" which bill was rejected by the House upon its third and last reading; which bills I am directed to transmit to the Senate.

The House of Representatives have taken up and considered their amendment to the Senate's resolution, No. 11, directory to the public printer, nonconcurred in by the Senate, from which amendment the House recede.

The House of Representatives have taken up and considered the amendments of the Senate to the resolution of the House directory to the Secretary of State in relation to printing the acts and journals of the present session of the General Assembly; which amendments of the Senate are severally concurred in by the House of Representatives

The House of Representatives have taken up and considered the amendment of the Senate to the several amendments of the House to the bill from the Senate, No. 18, entitled "a bill to relieve the people of the State by amending an act passed July 28th, 1820, chapter 11, entitled 'an act to prevent a sacrifice of real estate, and for other purposes;'" in which amendments of the Senate the House of Representatives concur.

And then he withdrew.

Mr. Gardner moved to correct the Journal of the Senate of Saturday, the 13th inst., by striking therefrom a portion of the protest of the Hon. Andrew Johnson, a Senator from the counties of Greene and Hawkins, entered upon the Journal of the Senate at page 160, in the following words, to wit:

"6th. Because the undersigned looks upon the above described act as a species of partial, unfair, and unconstitutional legislation, wresting from one portion of the freemen of this State the inestimable right of representation and conferring it upon another portion of the citizens of the same State; and because the undersigned is of the deliberate opinion that the above rejected act has been the specious management on the part of some of the Committee who had the interest of the lower counties in East Tennessee confided to their care, and a want of political tact and sagacity, resulting from imbecility on the part of those who had the rights of the upper counties entrusted to their keeping, or it has been the result of a bargain and sale deliberately entered into."

The undersigned will not be understood in the expression of his opinion as charging that there was a political "Judas" on that Committee from the upper counties in East Tennessee, who has brought seventeen hundred and seventy freemen into market, from the counties of Greene, Hawkins, Sullivan and Washington, and sold them as sheep in the shambles, for "*thirty pieces of silver.*"

Which being read,

When Mr. Martin moved to lay said motion on the table.

And the question thereupon being had, was determined in the negative.

So said motion to lay the motion of Mr. Gardner on the table to strike out a portion of said protest was rejected.

Mr. Gardner moved that the Senate reconsider the vote of the Senate rejecting the motion made by Mr. Maclin to lay the motion of Mr Gardner on the table, proposing to correct the Journal by striking out a portion of the protest of Mr. Johnson.

And the question will the Senate reconsider said vote? being had, was determined in the affirmative.

So the Senate reconsider the vote refusing to lay the motion of Mr. Gardner to correct the journal, on the table.

When Mr. Gardner moved that the protest of Mr. Johnson, enrolled upon the Senate journal of Saturday last, with the motion made by Mr. Gardner, to correct the journal, by striking out a portion of said protest, be laid on the table.

Which motion prevailing,

Said protest and motion to correct the journal, were ordered to the table.

Mr. Turney moved that the Senate reconsider the vote of the Senate, rejecting upon its first reading in the Senate, a bill from the House of Representatives, No. 21, entitled

A bill to divide the State into Districts, for the election of Representatives to the Congress of the United States.

And the question, will the Senate reconsider the vote rejecting said bill? being had, was determined in the affirmative.

So said motion prevailed.

And said bill was read a first time,

When Mr. Laughlin moved to amend said bill, by striking out the whole thereof, after the enacting clause, and inserting in lieu thereof the following, to wit:

"That the counties of Johnson, Carter, Sullivan, Washington, Greene, and Cocke shall compose the first Congressional district.

Sec. 2. That the counties of Jefferson, Grainger, Claiborne, Campbell, Anderson, Morgan, Sevier, Blount, and Monroe shall compose the second Congressional District.

Sec. 3. That the counties of Knox, Roane, Bledsoe, Rhea, Meigs, McMinn, Polk, Bradley, Hamilton, and Marion shall compose the third Congressional District.

Sec. 4. That the counties of Fentress, Overton, Jackson, White, De Kalb, Van Buren, Warren, and Coffee shall compose the fourth Congressional district.

Sec. 5. That the counties of Franklin, Lincoln, Bedford, and Marshall compose the fifth Congressional district.

Sec. 6. That the counties of Hickman, McNairy, Giles, Lawrence, Wayne, and Hardin shall compose the sixth Congressional district.

Sec. 7. That the counties of Wilson, Rutherford, Cannon, and Williamson shall compose the seventh Congressional district.

Sec. 8. That the counties of Smith, Sumner, and Davidson shall compose the eighth Congressional district.

Sec. 9. That the counties of Robertson, Montgomery, Stewart, Dickson, Humphreys, Benton, and Henry shall compose the ninth Congressional district.

Sec. 10. That the counties of McNairy, Hardeman, Fayette, Shelby, Tipton, Haywood, Lauderdale, and Dyer shall compose the tenth Congressional district.

Sec. 11. That the counties of Perry, Henderson, Madison, Carroll, Gibson, Weakley, and Obion shall compose the eleventh Congressional district.

Sec. 12. That the citizens of Putnam and Macon counties shall, under this act, vote with the counties from which they were respectively taken, when said counties of Putnam and Macon were originally laid off.

Sec. 13. *Be it enacted*, That the several sheriffs in the different counties in this State, shall on the day next succeeding the day of election for members to Congress in the several districts as organised in the preceeding sections of this act; make out triplicate certificates under their hands, of the number of votes for each candidate, one of which shall be retained by the sheriffs respectively, and the other two certificates, shall be by said sheriffs, transmitted by different mails immediately thereafter to the Governor, who upon the receipt of the returns thus certified, shall deliver to the candidates having the highest number of votes in their respective districts, a certificate of their election as Representative to the Congress of the United States.

Sec. 14. *Be it enacted*, That if any sheriff shall fail, neglect, or refuse, for the space of twenty days, to perform any of the duties required of him in this act, such sheriff so failing, refusing, or neglecting, shall forfeit the sum of five hundred dollars, to be recovered by action of debt, by any person who may sue for the same, and shall moreover be held and deemed guilty of a misdemeanor in office, and subject to indictment before the Circuit Court of the county where such delinquency may happen.

Sec. 15. *Be it enacted*, That this act shall be and remain in full force for twelve months from and after the passage thereof.

Which being read,

When Mr. Bradberry offered the following amendment, in lieu of the 1st, 2d, 3d, 4th, 5th, 6th, 7th 8th, 9th 10th, and 11th sections of the amendment offered by Mr Laughlin, to wit:

That the counties of Johnson, Carter, Sullivan, Washington, Greene, Jefferson, Cocke, and Sevier shall compose the first Congressional District.

Sec. 2. *Be it enacted*, That the counties of Hawkins, Claiborne, Campbell, Morgan, Anderson, Knox, Grainger, and Roane shall compose the second Congressional District.

Sec. 3. *Be it enacted*, That the counties of Blount, Monroe, McMinn, Meigs, Rhea, Polk, Bradley, Hamilton, Bledsoe, and Monroe, shall compose the third Congressional District.

Sec. 4. *Be it enacted*, That the counties of Fentress, Overton, Jackson, White, De Kalb, Van Buren, Warren, and Coffee shall compose the fourth Congressional District.

Sec. 5. *Be it enacted*, That the counties of Franklin, Coffee, Lincoln, Bedford, and Marshall compose the fifth Congressional District.

Sec. 6. *Be it enacted*, That the counties of Williamson, Maury, and Giles, shall compose the sixth Congressional District.

Sec. 7. *Be it enacted*, That the counties of Sumner, Wilson, Rutherford, and Cannon shall compose the seventh Congressional District.

Sec. 8 *Be it enacted*, That the counties of Davidson, Robertson, Montgomery, Dickson, and Stewart shall compose the eighth Congressional District.

Sec. 9. *Be it enacted*, That the counties of Humphreys, Benton, Carroll, Weakley Gibson, Obion, and Dyer shall compose the ninth Congressional District.

Sec. 10. *Be it enacted*, That the counties of Hickman, Lawrence, Wayne, Hardin, McNairy, Perry, and Hardeman shall compose the tenth Congressional District.

Sec. 11. *Be it enacted*, That the counties of Madison, Haywood, Fayette, Shelby, Lauderdale, and Tipton shall compose the eleventh Congressional District.

Which being read,

When Mr. Laughlin asked and obtained leave to withdraw his said amendment.

The question then recurred upon the passage of said bill upon its first reading.

When Mr. Ross moved to amend said bill by striking out county in the district, and adding said county to the district, and county to the district.

When Mr. Turney offered the following amendment in lieu of the whole bill, after the enacting clause, and the amendment proposed by Ross, as follows:

"That the counties of Jefferson, Carter, Sullivan, Washington, Hawkins, Greene, and Cocke shall compose the first Congressional District.

Sec. 2. *Be it enacted*, That the counties of Jefferson, Granger, Claiborne, Campbell, Anderson, Morgan, Sevier, Blount, and Monroe shall compose the second Congressional District.

Sec. 3. *Be it enacted*, That the counties of Knox, Roane, Bledsoe, Rhea, Meigs, McMinn, Polk, Bradley, Hamilton, and Marion shall compose the third Congressional District.

Sec. 4 *Be it enacted*, That the counties of Fentress, Overton, Jackson, White, De Kalb, Van Buren, Warren, and Coffee shall compose the fourth Congressional District.

Sec. 5. *Be it enacted*, That the counties of Franklin, Lincoln, Bedford and Marshall shall compose the fifth Congressional District.

Sec. 6. *Be it enacted*, That the counties of Hickman, Maury, Giles, Lawrence, Wayne, and Hardin shall compose the sixth Congressional District.

Sec. 7. *Be it enacted*, That the counties of Wilson, Rutherford, Cannon, and Williamson shall compose the seventh Congressional District.

Sec 8. *Be it enacted*, That the counties of Smith, Sumner, and Davidson shall compose the eighth Congressional District.

Sec. 9. *Be it enacted*, That the counties of Robertson, Montgomery, Stewart, Dickson, Humphreys, Benton, and Henry shall compose the ninth Congressional District.

Sec. 10. *Be it enacted*, That the counties of McNairy, Hardeman, Fayette, Shelby, Tipton, Haywood, Lauderdale, and Dyer shall compose the tenth Congressional District.

Sec. 11. *Be it enacted*, That the counties of Perry, Hendehle Madison, Carroll, Gibson, Weakley, and Obion shall composethose eleventh Congressional District.

Sec. 12. *Be it enacted*, That the citizens of Putnam and Macon counties shall, under the act, vote with the counties from which they were respectively taken, when said counties of Putnam and Macon were originally laid off.

Sec. 13. *Be it enacted*, That the several sheriffs in the aforesaid counties in this State, shall, on the day next succeeding the day of the election for members of Congress in the several districts as organised in the preceding sections of this act, make out triplicate certificates under their hands, of the number of votes for each candidate, one of which shall be retained by the sheriffs, respectively, and the other two certificates shall be by said sheriffs transmitted by different mails immediately thereafter, to the Governor; who, upon the receipt of the returns thus certified, shall deliver to the candidates having the highest number of votes in their respective districts, a certificate of their election as representative to the Congress of the United States.

Sec. 14. *Be it enacted*, That if any sheriff shall fail, neglect, or refuse, for the space of twenty days, to postpone any of the duties required of him in this act, such sheriff so failing or neglecting, shall forfeit the sum of five hundred dollars, to be recovered by action of debt, by any person who may sue for the same, and shall be moreover held and deemed guilty of a misdemeanor in office, and subject to indictment before the Circuit Court of the county, where such delinquency may happen.

Sec. 15. *Be it enacted*, That this act shall be and remain in full force for twelve months from the passage thereof."

Which being read,

When Mr. Ledbetter moved to amend said amendment offered by Mr. Turney, by striking out the 15th section of said amendment.

And the question thereupon being had, was determined in the affirmative.

Ayes,	19
Nays,	6

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Jennings, Ledbetter, Martin, Matthews, Miller, Mumford, Nelson, Peyton, Powell, Renean, Sevier, Warner, Williams, and Mr. Speaker Turney—19.

The negative voters were,

Messrs. Hardwicke, Johnson, Laughlin, Maclin, Ross, and Waterhouse—6.

So said amendment was adopted.

The question then recurred upon the adoption of the amendment offered by Mr. Turney.

When Mr. Bradberry offered his former amendment, which had been withdrawn. in lieu of the 1st, 2nd, 3rd, 4th, 5th, th, 7th, 8th, 9th, 10th, and 11th sections of said amendment proposed by Mr. Turney.

Mr. Turney moved to lay Mr. Bradberry's amendment on the table.

And the question thereupon being had, was determined in the affirmative.

Yeas, - - -	19
Nays, - - -	5

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Munford, Peyton, Powell, Ross, Warner, and Mr. Speaker Turney—19.

The negative voters were,

Messrs. Bradberry, Nelson, Sevier, Waterhouse, and Williams—5.

So said amendment was laid on the table.

Mr. Mil er moved to amend said bill, by adding Monroe county to the second Congressional District.

And the question thereupon being had, was determined in the negative.

So said amendment was rejected

Mr. Gardner moved to amend said bill by striking out the county of Weakley in the 11th Congressional District, and add it to the ninth Congressional District.

And the question thereupon being had, was determined in the negative.

Yeas, - - -	11
Nays, - - -	14

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Hardwicke, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, and Waterhnuse—11.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Johnson, Ledbetter, Munford, Nelson, Peyton, Reneau, Sevier, Williams, and Mr. Speaker Turney—14.

So said amendment was rejected.

Mr. Waterhouse moved to amend said bill, by striking out Knox county from the third Congressional District, and add it to the second, and that Morgan and Monroe be added to the third Congressional District.

And the question upon the adoption of said amendment being had, was determined in the negative.

Yeas, - - - -	11
Nays, - - - -	14

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Hardwicke, Johnson, Maclin Martin, Matthews, Miller, Powell, Ross, Warner, and Waterhouse—11.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Laughlin, Ledbetter, Munford, Nelson, Peyton, Reneau, Sevier, Williams, and Mr. Speaker Turney—14.

So said amendment was rejected.

Mr. Bradberry moved to amend said bill, by striking out McNairy from the 10th district, and attach it to the 11th Congressional district, and strike out Madison county in the 11th district, and attach it to the 10th Congressional district.

And the question thereupon being had, was dotermined in the negative.

Yeas, - - - -	3
Nays, - - - -	22

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Miller, and Waterhouse—3.

The negative voters were,

Messrs. Ashe, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Munford, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, Waterhouse, and Mr. Speaker Turney—22.

So said amendment was rejected.

Mr. Laughlin moved to amend said bill, by striking Cannon county from the 7th Congressional District, and adding it to the 4th Congressional district.

And the question upon the passage of said amendment being had, was determined in the negative.

Ayes, - - - -	7
Nays, -	18

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Laughlin, Miller Nelson, Ross, Warner, and Waterhouse—7.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Hardwicke, Jennings, Johnson, Ledbetter, Maclin, Martin, Matthews, Mumford, Peyton, Powell, Reneau, Sevier, Williams, and Mr. Speaker Turney—18.

So said amendment was rejected.

Mr. Gardner moved the indefinite postponement of said bill.

And the question thereupon being had, was determined in the negative.

Ayes, - - -	8
Nays, - - -	17

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Gardner, Johnson, Martin, Miller, Powell, and Waterhouse—8.

The negative voters were,

Messrs. Ashe, Foster, Frey, Hardwicke, Jennings, Laughlin, Ledbetter, Maclin, Matthews, Mumford, Nelson, Peyton, Reneau, Sevier, Warner, Williams, and Mr. Speaker Turney—17.

So said motion indefinitely to postpone said bill, was rejected.

The question then recurred upon the adoption of the amendment proposed by Mr. Turney, in lieu of the original bill, after the enacting clause, which being had, was determined in the affirmative.

Yeas, - - - -	15
Nays, - - - -	8

The ayes and nays being demanded,

The affirmative voters were,

Messrs Ashe, Foster, Frey, Hardwicke, Jennings, Laughlin, Ledbetter, Maclin, Matthews, Mumford, Nelson, Peyton, Reneau, Sevier, Warner, Williams, and Mr. Speaker Turney—17.

The negative voters were,

Messrs. Bradberry, Gardner, Johnson, Martin, Miller, Powell, Ross, and Wsterhouse—8.

So said amendment as amended was adopted in lieu of the original bill, after the enacting clause.

Mr. Gardner moved that the Senate do adjourn until 2 o'clock, P. M., of this day.

And the question, will the Senate adjourn until 2 o'clock P. M.? being had, was determined in the negative.

So the Senate refuse to adjourn.

On motion of Mr. Ledbetter,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The House of Representatives have taken up and considered a bill from the Senate, No. [illegible] entitled "a bill to repeal all laws authorising bail in civil cases," [illegible] bill was read a second time and rejected; which bill I am directed to transmit to the Senate.

And then he withdrew.

The Senate, on motion of Mr. Foster, took up the consideration of

A bill to lay off the State into Congressional Districts.

Which bill was read a third time.

When Mr. Foster moved to amend said bill by striking out the whole bill after the enacting clause, and offered the following in lieu thereof, to wit:

"Sec. 1. That the counties of Johnson, Carter, Sullivan, Washington, Hawkins, Greene, and Cocke shall compose the first Congressional district.

Sec. 2. That the counties of Anderson, Claiborne, Campbell, Anderson, [illegible] shall compose the second Congressional district.

Sec. 3. That the counties of Monroe, Bledsoe, Rhea, Meigs, McMinn, Polk, [illegible] shall compose the third Congressional district.

Sec. 4. That the counties of [illegible], Jackson, White, DeKalb, Van Buren, [illegible] shall compose the fourth Congressional district.

Sec. 5. That the counties of Bedford, and Marshall shall compose the fifth Congressional District.

Sec. 6. That the counties of Hickman, Maury, Giles, Lawrence, Wayne, and Hardin shall compose the sixth Congressional district.

Sec. 7. That the counties of Wilson, Rutherford, Cannon, and Williamson shall compose the seventh Congressional district.

Sec. 8. That the counties of [illegible], and Davidson shall compose the eighth Congressional district.

Sec. 9. That the counties of Robertson, Montgomery, Stewart, Dickson, Humphreys, Benton, and Henry shall compose the ninth Congressional district.

Sec. 10. That the counties of McNairy, Hardeman, Fayette, Shel-

by, Tipton, Haywood, Lauderdale, and Dyer shall compose the tenth Congressional District.

Sec. 11. That the counties of Perry, Henderson, Madison, Carroll, Gibson, Weakley, and Obion shall compose the eleventh Congressional District.

Sec. 12. That the citizens of Putnam and Macon counties shall, under this act, vote with the counties from which they were respectively taken, when said counties of Putnam and Macon were originally laid off.

Sec. 13. That the several sheriffs in the different counties in this State shall, on the day next succeeding the day of election for members to Congress in the several districts as organised in the preceding sections of this act, make out duplicate certificates under their hands of the number of votes for each candidate, one of which shall be retained by the Sheriffs respectively, and the other two certificates shall be by said sheriffs transmitted by different mails immediately thereafter to the Governor, who upon the receipt of the returns thus certified, shall deliver to the candidates having the highest number of votes in their respective districts, a certificate of their election as Representatives to the Congress of the United States.

Sec. 14. That if any sheriff shall fail, neglect, or refuse for the space of twenty days to perform any of the duties required of him by this act, such sheriff so failing, refusing, or neglecting, shall forfeit the sum of one hundred dollars, to be recovered by action of debt by any person who may sue for the same, and shall moreover be held and deemed guilty of a misdemeanor in office, and subject to indictment before the Circuit Court of the county where such delinquency may happen.

While said bill was read,

Mr. Smith moved to amend said bill by striking out of the third section and insert in lieu thereof the counties of McMinn, Morgan, and Blount.

Mr. Franklin moved to amend said bill by—[illegible]red the following in lieu of the amendment proposed by [illegible]one said[illegible]; as follows:

"That the county of Knox be stricken from the third district and added to the second district, and to add Morgan and Monroe to the second District."

While said [illegible]s read,

When Mr. Ledbetter moved to lay said amendments on the table.

And the question thereupon being had, was determined in the negative.

Yeas,	-	-	-	12
Nays,	-	-	-	13

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Allen, Bradberry, Foster, Frey, Jennings, Ledbetter, Manford, Nelson, Peyton, Renear, Sevier, and Williams—12.

The negative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney —13.

So said motion to lay said amendments on the table was rejected.

The question then recurred upon the adoption of the amendment offered by Mr Laughlin in lieu of the amendment proposed by Mr. Miller.

When Mr. Nelson moved to lay said amendment on the table.

And the question thereupon bein had, was determined in the affirmative.

Ayes, - - -	14
Nays, - - -	10

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Foster, Frey, Hardwicke, Jennings, Ledbetter, Martin, Munford, Nelson, Peyton, Reneau, Sevier, Williams, and Mr. Speaker Turney—14.

The negative voters were,

Messrs. Gardner, Johnson, Laughlin, Maclin, Matthews, Miller, Powell, Ross, Warner, and Waterhouse—10.

So said amendment was laid on the table.

Mr. Gardner moved to amend said bill by striking the county of Weakley out of the 11th District and add it to the 9th Congressional District.

And the question thereupon being had, was determined in the negative.

Yeas, - - - -	9
Nays, - - - -	15

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Hardwicke, Laughlin, Maclin, Miller, Powell, Ross Warner, and Williams—9.

The negative voters were,

Messrs. Ashe, Foster, Frey, Jennings, Johnson, Ledbetter, Martin, Matthews, Munford, Nelson, Peyton, Reneau, Sevier, Williams, and Mr. Speaker Turney—15.

So said amendment was rejected.

Mr. Gardner moved to amend said bill by striking out of the 11th district the county of Carroll, and adding it to the 9th Congressional District.

And the question upon the adoption of said amendment being had, was determined in the negative.

Ayes, 4
Nays, 20

The ayes and nayes being demanded,

The affirmative voters were,

Messrs. Gardner, Miller, Powell, and Waterhouse 4.

The negative voters were,

Messrs. Ashe, Foster, Frey, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Munford, Nelson, Peyton, Reneau, Ross, Sevier, Warner, Williams, and Mr. Speaker Turney—20.

So said amendment was rejected.

Mr. Gardner moved to amend said bill, and offered the following in lieu of the amendment proposed by Mr Foster, as follows, to-wit:

"That the counties of Johnson, Carter, Sullivan, Washington, Greene, Hawkins, and Jefferson, shall compose the first Congressional district.

Sec. 2. That the counties of Grainger, Claiborne, Sevier, Cocke, Blount, Knox, Anderson, and Campbell, shall compose the second Congressional District.

Sec. 3. That the counties of Roane, Monroe, Meigs, McMinn, Polk, Bradley, Hamilton, Rhea, Marion, Bledsoe, and Morgan, shall compose the third Congressional District.

Sec. 4. That the counties of Fentress, Overton, Jackson, Smith, DeKalb, White, Van Buren, Putnam, Macon, and Cannon shall compose the fourth Congressional district.

Sec. 5. That the counties of Wilson, Williamson, Rutherford, and Cannon shall compose the fifth District.

Sec. 6. That the counties of Coffee, Franklin, Lincoln, Giles, and Warren shall compose the 6th District.

Sec. 7. That the counties of Bedford, Marshall, Maury, and Hickman shall compose the seventh District.

Sec. 8. That the counties of Sumner, Robertson, Montgomery, and Davidson shall compose the eighth District.

Sec. 9. That the counties of Dickson, Stewart, Humphreys, Benton, Henry, Carroll, Weakley, and Gibson shall compose the ninth District.

Sec. 10. That the counties of Lawrence, Wayne, Hardin, Perry, Henderson, McNairy, and Madison shall compose the tenth District.

Sec. 11. That the counties of Hardeman, Fayette, Shelby, Tipton, Haywood, Lauderdale, Dyer, and Obion shall compose the eleventh District.

Sec. 12. *Be it enacted*, That each of the foregoing Districts shall severally elect one member to the Congress of the United States.

Which being read,

Mr. Nelson moved that said amendment be laid on the table.

And the question thereupon being had, was determined in the affirmative.

Ayes, - - - 19
Nays, - - - 6

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Foster, Frey, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Munford, Nelson, Peyton, Reneau, Sevier, Warner, Williams, and Mr. Speaker Turney—19.

The negative voters were,

Messrs. Bradberry, Gardner, Miller, Powell, Ross, and Waterhouse —6.

So said amendment was laid on the table.

The question then recurred upon the adoption of the amendment proposed by Mr. Foster, which being had, was determined in the affirmative.

Ayes, - - - - 15
Nays, - - - - 10

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Foster, Frey, Jennings, Ledbetter, Martin, Matthews, Munford, Nelson, Peyton, Reneau, Ross, Sevier, Williams, and Mr. Speaker Turney—15.

The negative voters were,

Messrs. Bradberry, Gardner, Hardwicke, Johnson, Laughlin, Maclin, Miller, Powell, Warner, and Waterhouse—10.

So said amendment was adopted in lieu of the original bill, after the enacting clause.

Mr. Bradberry moved to amend said bill by striking out McNairy in the 11th District and inserting Madison, striking out Madison county from the 10th District and insert M'Nairy county.

Which being read,

And the question upon the adoption of said amendment being had, was determined in the negative.

So said amendment was rejected.

And said bill, as amended, was read a third and last time.

And the question recurring upon the passage of said bill was had and determined in the affirmative.

Yeas, - - - 15
Nays, - - - 10

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Foster, Frey, Hardwicke, Jennings, Ledbetter, Martin, Matthews, Munford, Nelson, Peyton, Reneau, Sevier, Williams, and Mr. Speaker Turney—15.

The negative voters were,

Messrs. Bradberry, Gardner, Johnson, Laughlin, Maclin, Miller, Powell, Ross, Warner, and Waterhouse—10.

So said bill, as amended, was passed upon its third and last reading in the Senate.

Ordered, That said bill be engrossed and forthwith transmitted to the House of Representatives, that the clerk announce to the House the passage of said bill upon its third and last reading in the Senate and ask a concurrence therein.

Mr. Frey, Chairman of the Committee on Enrolments, reports as correctly enrolled, a bill entitled "an act to relieve the people of this State by amending an act passed July 28th, 1820, chapter 11, entitled 'an act to prevent the sacrifice of real estate, and for other purposes'"

Also, an enrolled resolution, entitled "a resolution directory to the public printer"

Which enrolled act and resolution were severally signed by the Speaker of the Senate, and were ordered to be transmitted to the House of Representatives and presented for the signature of the Speaker.

Mr. Frey, Chairman of the Committee on Enrolments, reports as correctly enrolled a bill entitled "an act to amend an act entitled 'an act to provide for the payment of two hundred thousand dollars to East Tennessee and the Western District, in full discharge of the claim against the State for river boats, under the act of 1837 8, and for other purposes,' passed the day of 1842, chapter 77"

Which were thereupon signed by the Speaker of the Senate and ordered to be transmitted to the House of Representatives for the signature of the Speaker.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign the following enrolled bills and resolutions, entitled as follows:

An act to amend the charter of the Bank of Tennessee, and for other purposes.

A resolution directory to the Public Printer.

An act to relieve the people of this State by amending an act passed July 28th, 1820, chapter 11, entitled "an act to prevent the sacrifice of real estate, and for other purposes."

A resolution directory to the Secretary of State.

Which I am directed to transmit to the Senate.

And then he withdrew.

Whereupon the Speaker of the Senate did sign the first enrolled act and resolution, and ordered that the same be retransmitted to the House of Representatives, and that the latter act and resolution be filed in the office of the Secretary of State for the State of Tennessee.

The Senate, on motion of Mr. Ledbetter, took up the consideration of

A bill for the relief of the people of Tennessee, by prolonging the stay of execution upon judgments before justices of the peace.

Which bill was read a second time.

And the question upon the passage of said bill being had, was determined in the affirmative.

Yeas,	15
Nays,	8

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Miller, Munford, Peyton, Powell, Waterhouse, and Mr. Speaker Turney—15.

The negative voters were,

Messrs Frey, Gardner, Martin, Ross, Sevier, Warner, and Williams —8.

So said bill was passed upon its second reading in the Senate.

The Senate took up and considered a resolution submitted by Mr. Laughlin proposing to rescind the joint resolution of both Houses of the General Assembly, fixing the adjournment of both Houses of the General Assembly on this day *sine die*.

Which being read,

When Mr. Ledbetter moved to amend said resolution by adding thereto the following:

Resolved, That the two Houses of the General Assembly will adjourn *sine die* on Wednesday next, the 16th inst., and that no new bill shall be introduced in either House after the adoption of this resolution.

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

And said resolution, as amended, being read,

And the question upon the adoption of said resolution being had, was determined in the affirmative.

Yeas,	15
Nays,	8

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Foster, Frey, Hardwicke, Jennings, Laughlin, Ledbetter, Maclin, Munford, Nelson, Peyton, Reneau, Ross, Warner, and Mr. Speaker Turney—15.

The negative voters were,

Messrs. Bradberry, Gardner, Johnson, Martin, Matthews, Miller, Waterhouse, and Williams—8.

So said resolution was adopted.

Ordered, That said resolution be transmitted to the House of Representatives, that the clerk announce to the House the adoption of said resolution, and ask the concurrence of the House therein.

Mr. Johnson submitted the following:

A resolution to lay off the State of Tennessee into eleven Congressional Districts.

Resolved by the General Assembly of the State of Tennessee, That the State of Tennessee be laid off into eleven Congressional Districts, as follows:

The counties of Johnson, Carter, Washington, Sullivan, Hawkins, Greene, and Cocke shall compose the first district.

The counties of Claiborne, Campbell, Grainger, Anderson, Jefferson, Knox, Sevier, and Blount shall compose the second district.

The counties of Monroe, M'Minn, Roane, Rhea, Meigs, Hamilton, Polk, Bradley, Morgan, and Bledsoe shall compose the third district.

The counties of Smith, Jackson, Overton, Fentress, White, Van Buren, De Kalb, Macon, and Putnam shall compose the fourth district.

The counties of Warren, Coffee, Marion, Franklin, Lincoln, and Cannon shall compose the fifth district.

The counties of Davidson, Sumner, Robertson, and Montgomery shall compose the sixth district.

The counties of Rutherford, Wilson, and Williamson shall compose the seventh district.

The counties of Bedford, Marshall, Maury, and Giles shall compose the eighth district.

The counties of Lawrence, Hickman, Wayne, Perry, Henderson, M'Nairy, and Madison shall compose the ninth district.

The counties of Dickson, Humphreys, Stewart, Benton, Carroll, Henry, Weakley, and Gibson shall compose the tenth district.

The counties of Obion, Dyer, Lauderdale, Tipton, Haywood, Hardeman, Fayette, and Shelby shall compose the eleventh district.

Resolved, That one member and no more shall reside in each of the above districts, and that every citizen of the State qualified by law to vote for members of the General Assembly, shall be entitled to vote for the whole number of members, to be resident as aforesaid, and the eleven persons aforesaid receiving the highest number of votes shall be declared the members of Congress of the United States for the districts in which they respectively reside.

Resolved, That all laws now in force prescribing and defining the duties of sheriffs in holding elections for members of Congress and making out their returns to the executive shall be observed and obeyed by such officers acting under this resolution.

Resolved, That this resolution shall be in force until the 4th of March, 1844, and no longer.

Which being read,

When Mr. Johnson moved the suspension of the rule requiring resolutions to lie over one day.

And the question, will the Senate suspend the rule requiring resolutions to lie on the table one day? being had, was determined in the negative.

Yeas,	13
Nays,	12

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Munford, Nelson, Peyton, Reneau, Sevier, and Williams—12.

Two thirds of the Senate, as required by the rule, refusing to vote in the affirmative on dispensing with the rule of the Senate requiring resolutions to lie on the table one day, therefore the motion to dispense with the rule was rejected.

The Senate, on motion of Mr. Hardwicke, took up the consideration of a resolution by him submitted on the 11th instant, tendering the thanks of the Senate to Mr. Speaker Turney, for the very able, impartial, and dignified manner in which he has discharged the duties of the Chair during the present session.

Which being read,

And the question upon the adoption of said resolution being had, was determined in the affirmative.

So said resolution was adopted.

Whereupon Mr. Speaker Turney addressed the Senate as follows, to wit:

GENTLEMEN OF THE SENATE:—We were called together for the purpose of Districting the State into Senatorial and Representative Districts, to lay off Congressional Districts, and amongst other things to legislate upon such measures as would relieve our suffering fellow-citizens from the embarrassments produced by the expansion and contraction of the Banks.

Though greatly embarrassed by party feelings we have partly performed this duty, and it is to be regretted that it could not have been fully completed, but if party feelings have mingled in our deliberations they do also mingle amongst our fellow citizens, and they can readily estimate the difficulties by which we have been retarded, and we can console ourselves that the failure is not to be attributed to a want of industry and anxiety to do so, but truly say that we have incessantly labored for its accomplishment with untiring zeal and fidelity, and have

been frustrated by reason of our inability to compromise an honest difference of opinion.

Senators, we are about to close a short, but perplexing session, and to return to our respective homes. Permit me, before I pronounce an adjournment, to say to you, that there is nothing that I more desire than to deserve your good opinion, and that I cannot express my gratitude to you for your kind expression of approbation, in language consonant with my feelings; if I were Pope, I would give each of you a benediction, but as it is, I can only give you my fervent wish for the health, happiness, and prosperity of yourselves and families, this is the same article, and of this you are assured.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and considered a message from the Senate, transmitting a resolution addressed by the Senate, rescinding the joint resolution of both Houses of the General Assembly, fixing this day for the adjournment of both Houses of the General Assembly, *sine die*, and proposing that the General Assembly do adjourn *sine die*, on Wednesday, next, the 16th inst.

In which resolution the House of Representatives concur.

Which I am directed to announce to the Senate.

And then he withdrew.

Mr. Johnson, Chairman of the Committee on Finance, to whom had been referred

A bill No. 15, from the House of Representatives, to defray the expenses of the second session of the 24th General Assembly of the State of Tennessee.

Reports that said Committee have had the same under consideration, and had instructed him to report said bill with the following amendments, and with said amendments, to recommend the passage of said bill.

All of which is respectfully submitted.

A. JOHNSON.

Chairman of the Committee on Finance.

Per diem, and mileage of members of the Senate.

	Days.	Per diem amount paid.	Miles.	Pay for Mileage.	Total amount.
John B. Ashe,	45	$180	350	$56 44	$236 44
Hezekiah Bradberry,	45	180	250	40	220
Robert C. Foster, Jr.	45	180	34	5 44	185 44
Henry Frey,	45	180	46	7 36	187 36
John A. Gardner,	45	180	260	41 60	221 60
J. P. Hardwicke,	45	180	76	12 16	192 16
Thos. R. Jennings,	45	180			180
Andrew Johnson,	45	180	550	88	268
Samuel H. Laughlin,	45	180	150	24	204
William Ledbetter,	45	180	64	10 20	190 20
Sackfield Macklin,	45	1 0	100	64	244
Barclay Martin,	45	180	82	13 12	193 12
Thomas J. Matthews,	45	180	150	24	204
John Miller,	45	180	326	52 16	232 16
Thomas J. Munford,	45	180	60	9 60	189 60
John R. Nelson,	45	180	400	64	244
Joseph H. Peyton,	45	180	50	8	188
Robert W. Powell,	45	180	636	101 76	281 76
Lewis Renau,	45	180	448	71 68	251 68
William T. Ross,	45	180	176	24	204
Valentine Sevier,	45	180	220	35 20	215 20
Richard Warner,	45	180	88	14 08	194 08
Waterhouse,	45	180			
William Williams,	45	180	500	80	260
Samuel Turney, Speaker,	45	180	190	30 40	210 40

The report was amended on motion of Mr. Gardner, so as to reduce his per diem and mileage to $209 60, as he was absent three days at the beginning of the session.

"That hereafter on a certified copy of the record of any county court of any county establishing the same, presented to the Secretary of State, that any new civil district since the year 1838 has been established in any county in this State, and which said civil district has not been heretofore furnished with two copies of Caruthers and Nicholson's Revisal of the Laws, according to law, it shall be the duty of the Secretary of State to furnish said books to the clerk of such county court, for the use of such civil district or districts, taking a receipt for the same, and the Comptroller of the Treasury shall audit and pass the account of the Secretary of State for the cost of such books, and issue his warrant or warrants for the same, and the same shall be paid by the Treasurer out of any unappropriated money in the treasury; *provided*, that before the Secretary shall be authorised to supply said books, the clerk of such court shall make an affidavit before some Justice of the Peace, and file the same with the Secretary of State, stating therein, that such copies

of said books as applied for have not before been furnished by the State, and that such new civil district or districts are destitute of the same."

"That the Comptroller examine and adjut the accounts of the public printer for damages sustained in printing seventy-five copies of the journals of both houses, being an extra number of copies, and ordered by the Legislature, after the printing had been several weeks in progress, according to an estimate made by the Secretary of State, and that upon satisfactory proof being made by said printers, as to the damage sustained, the Comptroller shall issue to them a warrant for such sum as he may deem just and equitable; *provided also*, that said printers shall satisfy the Comptroller that they were ordered by the Secretary to print less than the number that was afterwards ordered by the General Assembly.

Which being read,

And the question upon a concurrence with the report of the committee being had, was determined in the affirmative.

So the Senate concur in the report of the Chairman of the Committee on Finance, on said bill.

Which being read a third and last time,

Mr. Jennings moved to amend said bill, by adding thereto the following:

Be it enacted, That John Hogg, messenger to the Senate, be allowed the sum of forty-five dollars, and that T. Kurn be allowed the sum of thirty dollars, for the full amount of services rendered by a servant Ned.

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

And said bill as amended, was read a third and last time.

And the question upon the passage of said bill being had, was determined in the affirmative.

Ayes,	-	-	--	-	20
Nays,	-	--	--	-	1

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Munford, Peyton, Powell, Ross, Warner, Williams, and Mr. Speaker Turney—20.

Mr. Waterhouse voting in the negative.

So said bill as amended was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered, That the clerk announce to the House of Representatives the passage of said bill upon its third and last reading in the Senate, with sundry amendments, and ask the concurrence of the House therein.

Before the passage of the appropriation bill Mr. Ledbetter moved a suspension of the rules of the Senate, to enable him to offer the following amendment to said bill.

"*Be it enacted*, That upon all judgments to be hereafter rendered

before any justice of the peace, the defendant or defendants shall be entitled to a stay of execution for eight months, upon giving good and sufficient security therefor, under the same rules, regulations, and restrictions, as now prescribed by law."

Which being read,

The question upon a suspension of the rules being had, was determined in the negative.

Yeas, - - - - -	11
Nays, - - - - -	9

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Frey, Hardwicke, Laughlin, Ledbetter, Matthews, Miller, Peyton, Warner, and Mr. Speaker Turney—11.

The negative voters were,

Messrs. Gardner, Jennings, Johnson, Maclin, Martin, Nelson, Ross, Sevier, and Warehouse—9.

So said amendment was rejected.

Two thirds of the Senate refusing to vote in favor of suspending the rules, and the Chair decided said amendment not to be in order.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The House of Representatives have taken up and considered the sundry amendments made by the Senate to the bill of the House No 15, entitled 'a bill to defray the expenses of 2nd session of the 24th General Assembly of the State of Tennessee." In which several amendments made by the Senate to said bill, the House of Representatives concur.

And then he withdrew.

On motion of Mr. Foster,

The Senate adjourned until to-morrow morning, 9 o'clock.

TUESDAY, November 15, 1842.

The Senate was opened with prayer by the Rev. J. T. Wheat, Pastor of the Episcopalian Church, in the city of Nashville.

The Senate, on motion of Mr. Ledbetter, took up and considered

A bill to relieve the people, by extending stays of execution.

Which bill was read a third time.

When Mr. Williams moved to amend said bill, by inserting therein the words "on contracts hereafter made."

Which being read,

Mr. Williams moved to lay said bill with the amendment thereto, on the table, until Thursday next.

And the question thereupon being had, was determined in the negative.

Yeas,	12
Nays,	13

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Frey, Gardner, Jernings, Johnson, Miller, Nelson, Ross, Sevier, Warner, Williams, and Mr. Speaker Turney—12.

The negative voters were,

Messrs. Ashe, Foster, Hardwicke, Laughlin, Ledbetter, Maclin, Martin, Matthews, Munford, Peyton, Powell, Reneau, and Waterhouse—13.

So said motion to lay said bill on the table till Thursday next, was rejected.

The question then recurred upon the adoption of the amendment proposed by Mr. Williams, which being had, was determined in the negative.

Ayes,	11
Nays,	14

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Frey, Gardner, Jennings, Johnson, Miller, Munford, Powell, Ross, Sevier, Warner, and Williams—11.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Hardwicke, Laughlin, Ledbetter, Maclin, Martin, Matthews, Munford, Peyton, Reneau, Warner, Waterhouse, and Mr. Speaker Turney—14.

So said amendment was rejected.

The question then recurred upon the passage of said bill, upon its third and last reading, which being had, was determined in the negative.

Yeas,	11
Nays,	14

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Hardwicke, Laughlin, Ledbetter, Maclin, Matthews, Munford, Peyton, Reneau, Waterhouse, and Mr. Speaker Turney—11.

The negative voters were,

Messrs. Bradberry, Foster, Frey, Gardner, Jennings, Johnson, Martin, Miller, Nelson, Powell, Ross, Sevier, Warner, and Williams—14.

So said bill was rejected upon its third and last reading in the Senate.

Ordered, That said bill be transmitted to the House of Representatives, and that the clerk announce to the House the rejection of said bill in the Senate.

The Senate, on motion of Mr. Gardner, took up the consideration of a resolution, proposing to choose two Senators to the Congress of the United States.

Which being read,

Mr. Nelson moved to lay said resolution on the table.

And the question thereupon being had, was determined in the negative.

Ayes,	12
Nays,	13

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Munford, Nelson, Peyton, Reneau, Sevier, and Williams—12.

The negative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, and Waterhouse—13.

So said motion to lay said resolution on the table, was rejected.

Mr. Waterhouse moved to fill the first blank in said resolution, by inserting the name of "Spencer Jarnagin."

And the question thereupon being had, was determined in the negative.

Ayes,	5
Nays,	20

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Bradberry, Gardner, Maclin, Waterhouse, and Mr. Speaker Turney—5.

The negative voters were,

Messrs. Ashe, Foster, Frey, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Martin, Matthews, Miller, Munford, Nelson, Peyton, Powell, Reneau, Ross, Sevier, Warner, and Williams.—20.

So said motion to fill the first blank in said resolution, with the name of Spencer Jarnagin, was rejected.

Mr. Gardner moved to fill the second blank in said resolution, with the name of "John C. McLemore."

And the question thereupon being had, was determined in the affirmative.

Yeas,	13
Nays,	12

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Munford, Nelson, Peyton, Reneau, Sevier, and Williams—12.

Said motion prevailing, and said amendment was adopted.

Mr. Ledbetter offered the following resolution in lieu of the resolution submitted by Mr. Gardner, proposing to elect two Senators to the Congress of the United States

Resolved by the General Assembly of the State of Tennessee, That the Senate meet the House of Representatives in their Hall, this day, at 4 o'clock P. M., for the purpose of electing two Senators to the Congress of the United States.

Which being read,

When Mr. Gardner moved to lay said resolution on the table.

And the question thereon being had, was determined in the affirmative.

Ayes,	13
Nays,	12

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Ashe, Bradberry, Foster Frey, Jennings, Ledbetter, Munford, Nelson, Peyton, Reneau, Sevier, and Williams.—12.

So said motion to lay said resolution on the table, prevailed.

On motion of Mr Gardner,

The Senate adjourned until 2 o'clock, P. M.

EVENING SESSION.

Mr. Waterhouse Submitted the following:

Resolved, That Spencer Jarnagin, a citizen of the county of McMinn, be and he is hereby elected a Senator to the Congress of the United

States, for six years, from the 4th of March, last, in the place of the Honorable Alexander Anderson, whose term of service then expired.

Which being read,

Was ordered to the table.

The Senate, on motion of Mr. Ledbetter, took up and considered

A bill from the House of Representatives, No. 24, entitled "a bill for the relief of the people of Tennessee, by prolonging the stay of executions upon judgments before Justices of the Peace."

Which bill was read a third time,

When Mr. Maclin moved to amend said bill, by striking out of the 5th line of the 1st section, the word "eight," and to insert in lieu thereof, the word "twelve."

Mr. Hardwicke offered the following amendment, in lieu of the amendment offered by Mr. Maclin; "on all sums of one hundred dollars, and over twelve months; on all sums under one hundred dollars, eight months."

Which being read,

When Mr. Maclin moved to lay said bill and amendments offered thereto, on the table,

And the question thereupon being had, was determined in the affirmative.

Yeas,	16
Nays,	6

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Frey, Jennings, Johnson, Laughlin, Maclin, Miller, Munford, Nelson, Peyton, Ross, Sevier, Warner, Williams, and Mr. Speaker Turney—16.

The negative voters were,

Messrs. Hardwicke, Ledbetter, Martin, Matthews, Reneau, and Waterhouse—6.

So said motion prevailed.

And said bill, with the amendments proposed thereto, were ordered to the table.

The Senate, on motion of Mr. Turney, took up and considered a bill from the House of Representatives, No. 10, entitled

A bill to relieve the people from expense, to reduce the expenses in the administration of the law, to establish two terms of the Circuit Court, and for other purposes.

Which bill was read a third and last time.

When Mr. Bradberry moved to amend said bill in that part constituting the 10th Judicial Circuit, by striking out of the 22d line, the words "June, —— December," and insert in lieu thereof, the words "May —— November."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

Mr. Maclin moved to amend said bill. be striking out the 11th section, and inserting in lieu thereof the following, to wit:

Be it enacted, That upon all judgments hereafter rendered before any Justice of the Peace, the defendant shall be entitled to a stay of execution for eight months, upon giving good and sufficient security therefor, under the same rules, regulations, and restrictions, as now provided by law.

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative

Ayes, - - - -	13
Nays, - - - -	10

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Johnson, Laughlin, Ledbetter, Maclin, Matthews, Munford, Peyton, Powell, Warner, Williams, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Foster, Frey, Jennings, Martin, Miller, Munford, Reneau, Ross, Sevier, and Waterhouse—10.

So said amendment was adopted.

Mr. Williams moved to amend said bill, by adding thereto a proviso at the end of the section adopted in lieu of the 11th section, as follows:

"*Provided*, That said stay of eight months shall be allowed only upon contracts hereafter made."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the negative.

Ayes, - - -	9
Nays, - - -	13

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Foster, Jennings, Johnson, Matthews, Nelson, Powell, Ross, Sevier, and Williams—9.

The negative voters were,

Messrs. Ashe, Bradberry, Hardwicke, Laughlin, Ledbetter, Mac-

lin, Martin, Miller, Munford, Peyton, Reneau, Warner, Waterhouse, and Mr. Speaker Turney—14.

So said amendment was rejected.

Mr. Jennings moved that said bill be ordered to the table until all the members of the Senate are present.

And the question upon laying said bill on the table being had, was determined in the negative.

Yeas, - - - - -	11
Nays, - - - - -	12

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Foster, Frey, Jennings, Johnson, Ledbetter, Martin, Nelson, Ross Sevier, Waterhouse, and Williams—11.

The negative voters were,

Messrs. Ashe, Bradberry, Laughlin, Maclin, Matthews, Miller, Munford, Peyton, Powell, Reneau, Warner, Mr. Speaker Turney—12.

So said motion to lay said bill on the table, was rejected.

Mr. Turney moved to amend said bill, by adding thereto the following, to wit:

Be it enacted, That so much of this act as relates to the Circuit Courts, shall not be in force until the 25th day of November, 1842.

Which being read,

And the queston upon the adoption of said amendment being had was determined in the affirmative.

So said amendment was adopted.

Mr. Powell moved to amend said bill as follows, to wit:

Sec. *Be it enacted*, That the Courts to be held under this act in the first district, shall be as follows, to wit:

Johnson county, first Monday in August and February; in Carter county, the second Monday in August and February; thence to Washington, thence Sullivan, thence to Hawkins, thence to Greene.

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative.

So said amendment was adopted.

And said bill as amended, was read a third and last time.

And the question upon the passage of said bill was had and determined in the negative.

Ayes, - - - -	11
Nays, - - - -	13

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Laughlin, Maclin, Miller, Munford, Peyton, Powell, Reneau, Warner, and Mr. Speaker Turney—11.

The negative voters were,

Messrs. Foster, Frey, Hardwicke, Jennings, Johnson, Ledbetter, Martin, Matthews, Nelson, Ross, Sevier, Waterhouse, and Williams —13.

So said bill as amended, was rejected upon its third and last reading in the Senate.

Ordered, That said bill be transmitted to the House of Representatives, that the clerk announce to the House of Representatives the rejection of said bill upon its third and last reading in the Senate.

Mr. Foster moved that the Senate direct the clerk, respectfully, to request the House of Representatives to retransmit to the Senate the bill from the House, No 15, entitled

A bill to defray the expenses of the second session of the 24th General Assembly of the State of Tennessee; passed upon its third and last reading in the Senate.

Which motion prevailed.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: I am directed by the House of Representatives to re-transmit to the Senate, a bill from the House, No. 15, entitled "a bill to defray the expenses of second session of the 24th General Assembly of the State of Tennessee; passed upon its third and last reading in the Senate, transmitted at the special request of the Senate, for the further action of the Senate thereon to be had.

The House of Representatives have taken up and considered a bill from the Senate, No. 25, entitled "a bill to amend an act entitled "an act to establish a State Bank, to raise a fund for Internal Improvement, and aid in the establishment of a system of Education; passed January 19th, 1833, which bill upon its third and last reading in the House was indefinitely postponed; which I am directed to transmit to the Senate.

And then he withdrew.

Mr. Foster moved that the Senate reconsider the vote passing upon its third and last reading, a bill from the House of Representatives, entitled

A bill to defray the expenses of the second session of the 24th General Assembly of the State of Tennessee.

And the question, will the Senate reconsider the vote passing said bill upon its third reading in the Senate? being had, was determined in the affirmative.

So the Senate reconsider the vote, passing said bill upon its third and last reading in the Senate.

The Senate took up the consideration of a resolution submitted by Mr. Gardner, proposing to choose a Senator to the Congress of the United States, from the State of Tennessee, to fill the unexpired term of the Honorable Felix Grundy, deceased.

Which being read,

And the question upon the adoption of said resolution being had, was determined in the affirmative.

Yeas, - - - -	13
Nays, - - - -	12

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Maclin, Martin, Matthews, Miller, Powell, Ross, Warner, Waterhouse, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Jennings, Ledbetter, Munford, Nelson, Peyton, Reneau, Sevier, and Williams—12.

So said resolution choosing John C. McLemore, a Senator to the Congress of the United States, from the State of Tennessee, to fill the unexpired term of the Honorable Felix Grundy, deceased, was adopted.

Ordered, That said resolution be transmitted to the House of Representatives, that the clerk announce to the House its adoption by the Senate, and ask a concurrence therein.

The Senate, on motion of Mr. Foster, took up and considered a bill from the House of Representatives, No. 15, entitled

A bill to defray the expenses of the second session of the 24th General Assembly of the State of Tennessee.

Which bill was read a third and last time.

When Mr. Foster moved to amend said bill, by inserting therein, "two days pay to the members and officers of the Senate."

Which being read,

And the question upon the adoption of said amendment being had, was determined in the affirmative

Ayes, - - -	24
Nays, - - - -	1

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Foster, Frey, Gardner, Hardwicke, Jennings, Johnson, Laughlin, Ledbetter, Maclin, Martin, Matthews, Miller, Munford, Nelson, Peyton, Powell, Reneau, Ross, Warner, Waterhouse, Williams, and Mr. Speaker Turney—24.

Mr. Sevier voting in the negative.

So said bill as amended, was passed upon its third and last reading in the Senate, and was ordered to be transmitted to the House of Representatives.

Ordered, That the clerk announce to the House of Representatives the passage of said bill, with the amendments thereto, upon its third

and last reading in the Senate, and ask the concurrence of the House therein.

On motion of Mr. Foster,

The Senate adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, NOVEMBER 16, 1842.

The Senate was opened with prayer, by the Rev. T. J. Wheat, Pastor of the Episcopalian Church, in the city of Nashville.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The House of Representatives have adopted a resolution directory to the clerk of the Senate, and the clerk of the House of Representatives, to prepare and make out an index to the journal of the Senate and House of Representatives; which I am directed to transmit to the Senate, and ask a concurrence therein

The House of Representatives have taken up and considered the amendments made by the Senate, to the bill of the House, to defray the expenses of the second session of the 24th General Assembly of the State of Tennessee; in which amendment the House concur, with an amendment to the Senate's amendment to said bill.

And then he withdrew.

The Senate took up and considered a message from the House of Representatives, transmitting a bill from the House, entitled

A bill to defray the expenses of the second session of the 24th General Assembly of the State of Tennessee, with amendments of the House, to an amendment of the Senate to said bill.

Which being read,

In which amendment the Senate concur.

Ordered, That said bill be transmitted to the House of Representatives, for enrolment, and that the clerk announce to the House the concurrence of the Senate in the amendments made by the House to the amendments of the Senate to said bill.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The House of Representatives have taken up and considered and passed upon its third and last reading, a bill from the Senate, No. 9, entitled "a bill for the relief of debtors to the Bank of Tennessee, and its Branches;" which I am directed to transmit to the Senate for enrolment.

And then he withdrew.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The House of Representatives have taken up, considered, and passed, upon its third and last reading, a bill from the Senate entitled "a bill to lay off the State of Tennessee into Congressional Districts;" which I am directed to transmit to the Senate for enrolment.

And then he withdrew.

Mr. Jennings introduced the following:

"*Resolved by the General Assembly of the State of Tennessee*, That the Secretary of State be directed to transmit the Reports and revised Statutes of the State of Tennessee, in exchange for the Reports and revised Statutes of the State of Alabama."

Which being read,

On motion of Mr. Jennings,

The rule requiring resolutions to lie on the table one day, was dispensed with, and said resolution adopted.

Ordered, That the clerk transmit said resolution to the House of Representatives, announce its adoption, and ask a concurrence therein.

The Senate, on motion of Mr. Ledbetter, took up and considered a message from the House of Representatives transmitting a resolution adopted by the House directory to the principal Clerk of the Senate and House of Representatives, to prepare and make out an Index to the Journal of the Senate and House of Representatives, upon the plan adopted by the Congress of the United States.

Which being read,

The Senate non-concur therein.

Ordered, That the clerk transmit said resolution to the House of Representatives, and announce to the House the non concurrence of the Senate in said resolution.

Mr. Frey, Chairman of the Committee on Enrolments, reports as correctly enrolled the following bills, entitled

An act for the relief of debtors to the Bank of Tennessee and its Branches.

An act to lay off the State of Tennessee into Congressional Districts.

A resolution directory to the Secretary of State.

Which enrolled acts and resolution were severally signed by the Speaker of the Senate, and ordered to be transmitted to the House of Representatives and presented for the signature of the Speaker.

Mr. Bradberry moved that the Senate reconsider the vote rejecting, upon its third and last reading

A bill for the relief of the people of Tennessee, by proloinging the stay of execution upon judgments before justices of the peace.

And the question, will the Senate reconsider the vote rejecting said bill? being had, was determined in the affirmative.

Ayes,	-	-	-	13.
Nays,	-	-	-	11

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Hardwicke, Laughlin, Ledbetter, Maclin, Matthews, Munford, Peyton, Powell, Reneau, Waterhouse, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Frey, Gardner, Jennings, Johnson, Martin, Miller, Nelson, Ross, Sevier, Warner, and Williams—11.

So the Senate reconsider the vote rejecting said bill.

The Senate took up and considered a bill from the House of Representatives entitled

A bill for the relief of the people of Tennessee, by prolonging the stay of execution upon judgments before justices of the peace.

Which bill was read a third and last time.

And the question upon the passage of said bill being had, was determined in the affirmative.

Yeas, - - - -	13
Nays, - - - -	11

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Ashe, Bradberry, Hardwicke, Laughlin, Ledbetter, Maclin, Matthews, Miller, Munford, Peyton, Reneau, Waterhouse, and Mr. Speaker Turney—13.

The negative voters were,

Messrs. Foster, Frey, Gardner, Jennings, Johnson, Martin, Nelson, Ross, Sevier, Warner, and Williams—11.

So said bill was passed upon its third and last reading in the Senate.

And was ordered to be transmitted to the House of Representatives for enrolment.

The Senate, on motion of Mr. Laughlin, took up and considered a bill from the House of Representatives, No. 16, entitled,

A bill to authorise the withdrawal of the State subscription and the cancelling of the State bonds issued to the Louisville, Cincinnati, and Charleston Railroad Company.

Which bill was read a third and last time.

And the question upon the passage of said bill being had, was determined in the affirmative.

Ayes, - - -	14
Nays, - - -	9

The ayes and nayes being demanded,

The affirmative voters were,

Messrs. Frey, Gardner, Hardwicke, Jennings, Laughlin, Ledbetter, Martin, Miller, Munford, Peyton, Ross, Sevier, Warner, and Mr. Speaker Turney—14.

The negative voters were,

Messrs. Ashe, Johnson, Maclin, Matthews, Nelson, Powell, Reneau, Waterhouse, and Williams—9.

So said bill was passed upon its third and last reading in the Senate.

Was ordered to be transmitted to the House of Representatives for enrolment.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: The House of Representatives have taken up and considered a resolution adopted by the Senate directory to the Secretary of State relating to the reciprocal interchange of Reports and Revised Laws between the State of Tennessee and the State of Alabama, and concur therein.

The House of Representatives have adopted a resolution to create a Joint Select Committee to wait upon his Excellency the Governor of the State, and inform him that both Houses of the General Assembly had completed the business before them, and to inquire and ascertain if his Excellency had any further communication to make, and have appointed Messrs Burton, Hill, and Cherry to be of said committee on part of the House; in which I am directed to ask the concurrence of the Senate.

And then he withdrew.

The Senate took up and considered a message from the House of Representatives transmitting a resolution adopted by the House proposing to create a Joint Select Committee to wait upon his Excellency the Governor, and inform him that both Houses of the General Assembly had finished the business before them, and to ask if his Excellency had any further communication to make.

Which being read,

The Senate concur therein.

And Mr. Speaker Turney appointed Messrs. Foster, Ashe, and Miller to be of that Committee on part of the Senate.

Ordered That the clerk transmit said resolution to the House of Representatives, and acquaint the House therewith.

Mr. Waterhouse moved that the Senate take up the consideration of a resolution by him submitted proposing to choose Spencer Jarnagin a Senator to the Congress of the United States from the State of Tennessee.

And the question, will the Senate take up the consideration of said resolution? being had, was determined in the negative.

Yeas,	-	-	-	7
Nays,	-	-	-	13

The ayes and nays being demanded,

The affirmative voters were,

Messrs. Gardner, Hardwicke, Johnson, Laughlin, Ross, Waterhouse, and Mr. Speaker Turney—7.

The negative voters were,

Messrs. Bradberry, Frey, Jennings, Ledbetter, Martin, Matthews,

Munford, Nelson, Peyton, Powell, Reneau, Sevier, and Warner—13.

So the Senate refuse to take up and consider said resolution.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

Mr. Speaker: The Speaker of the House of Representatives did this day sign an enrolled bill, entitled "an act for the relief of the people of Tennessee, by prolonging the stay of execution upon judgments before justices of the peace;" which I am directed to transmit to the Senate.

And then he withdrew.

Whereupon the Speaker of the Senate did sign said enrolled act, and ordered that the same be retransmitted to the House of Representatives for the further action of the House thereupon to be had.

Mr. Foster, from the Joint Select Committee appointed by both Houses of the General Assembly to wait upon his Excellency the Governor and inform him that they had completed the business before them, and to inquire if he had any further communication to make, reports that said committee had performed that service, and that his Excellency informed them that he had no further communication to make to this General Assembly.

Messrs. John A. Gardner, John Miller, and Richard Waterhouse, Senators, presented to the protest in writing, against the passage of a bill entitled "a bill to divide the State into Districts for the election of Representatives to the Congress of the United States," and request that the same may be entered upon the Journal of the Senate, in the following words, to wit:

PROTEST.

The undersigned having the honor to occupy a seat as members of the Senate of the Legislature of Tennessee, in the free exercise of an inestimable privilege conferred upon them in common with every member of both branches of the General Assembly, by the 27th section of the second article of the Constitution, solemnly protest against the passage of a bill, on its final reading in the Senate on Monday the 14th day of Nov., 1842, entitled "a bill to divide the State of Tennessee into Districts for the election of Representatives to the Congress of the United States," and submits to the calm and dispassionate consideration of the people of the whole State at large, but more especially of their fellow citizens of the Western District and their immediate constituents, the following reasons for their protest:

1. Because the undersigned regard the above bill, in many of its provisions and details, and particularly in the combination of the counties in certain parts of the State to form Congressional Districts, as unequal, oppressive, and unjust to a large portion of the Republican freemen of Tennessee.

2. Because, in forming not only the second, or horse shoe District, in East Tennessee, but also other Districts in other parts of the State, the popular will has been totally disregarded, and every principle of

public convenience and geographical compactness shamefully violated, without subserving any other object than mere party.

3. Because, in the six Whig Districts made by said bill there is a Federal population of four hundred and twenty-one thousand six hundred and sixty-five, and in the five Democratic Districts only three hundred and twenty-six thousand eight hundred and twenty-one; showing an average excess in each Whig District over the ratio in the Democratic Districts of four thousand nine hundred and thirteen, and an aggregate excess in the six Whig Districts of twenty nine thousand four hundred and seventy eight, the average ratio in the one being seventy thousand two hundred and seventy seven, and in the other only sixty five thousand three hundred and sixty four, thereby producing great inequality in representation in the popular branch of the National Legislature, and a partial division of the political power in respect to the people of the different Congressional Districts, by which the votes and the influence of many Democratic counties in the State, and large and respectable Democratic minorities in Whig counties, are merged and lost in the controlling numbers of unwieldly and decided Whig Districts.

4. Because the Western District of this State, including the counties of Harden and Perry, with a Federal population of one hundred and seventy thousand five hundred and ninety eight, entitling it to two members with a fractional excess of thirty six thousand and twenty three, is only given two districts, containing together a population of one hundred and thirty four thousand five hundred and thirty five, and the fractional excess of thirty-six thousand and twenty three, is so parcelled out and made to constitute portions of Districts lying mostly in Middle Tennessee, as totally to neutralise and destroy its weight and influence in the choice of Representatives to Congress.

5 Because fifteen out of eighteen counties in the Western District, including Harden and Perry, compose the only two entire Congressional Districts in that grand division of the State, both of which are given by this bill to the Whig party, the other three counties, namely, Harden, Benton, and Henry, being attached to Districts in the middle division, and alone enjoying the encumbered and almost valueless privilege of an humble and unfelt participation in the election of two Democratic members to Congress, in conjunction with eleven other counties, thereby in effect disfranchising the entire Democracy of the Western District, by depriving them of all controlling influence in the election of any member.

6. And because, by this unjust, partial, and oppressive arrangement, twelve thousand five hundred and nine Whig voters in fifteen counties in the Western District will elect two Representatives to Congress, whilst nine thousand four hundred and thirty-seven qualified voters of the Democratic party must submit to be "hewers of wood and drawers of water" for their political opponents for the next ten years. And because the only portion of the Democracy of the Western District whose voice will be heard or whose votes will be felt in the election of Representatives to the Congress of the United States, under this bill, must be thirteen hundred and thirty eight voters in the counties of Henry and Benton, and eight hundred and fifty-two voters in the county of

the former in the proportion of only two sevenths of the whole strength of the District in which they will vote, and the latter in a much weaker proportion, much the largest portion of the two Districts to which they are respectively attached lying within the limits of Middle Tennessee.

7. Because so flagrant an outrage has been committed upon the popular rights, and such manifest injustice done to the political feelings and interests of the Democracy of the Western District by this bill; and because a large and respectable portion of that party in said grand division has confided the guardianship of those sacred rights and important interests to the undersigned in generously clothing them with their confidence and honoring them with a seat in this Senate; *and because the undersigned is a Western District man, and he trusts he entertains true Western District feelings and pride; and because he desires to do his whole duty to the whole people of that section of the State, he respectfully requests that this his most solemn protest against the passage of the aforesaid bill be spread at length upon the journal of the Senate, for the information of the people of the State at large, but more especially for the information of the people of the Western District, and his own immediate constituents.

JOHN A. GARDNER,
JOHN MILLER,
RICHARD WATERHOUSE.

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*The balance of this protest relates more particularly to the Hon. John A. Gardner.

Which being read,

Was ordered to be enrolled at length upon the journal of the Senate.

A message from the House of Representatives, by Mr. Mitchell, their clerk:

MR. SPEAKER: I am directed by the House of Representatives to inform the Senate that the House of Representatives is now ready to adjourn without day.

And then he withdrew.

On motion of Mr. Foster,

The Senate adjourned without day.

SAMUEL TURNEY,
Speaker of the Senate.

Test:
JACOB A. LANE, of Sparta, Tenn.,
Clerk to the Senate.

APPENDIX

TO THE

JOURNAL OF THE SENATE.

DOCUMENT NO. 1.

Report of the Joint Select Committee on Relief, read and concurred in by the House of Representatives, on the 19th October, 1842.

The Joint Select Committee on Relief, to whom was referred, by order of the House, a bill No. 7, to amend the act of 1841, chapter 48, have had the same under consideration, and beg leave to report,

That, in the opinion of the Committee, Legislation on the subject matter of said bill, by the present General Assembly, would be an exercise of power not warranted by the Constitution, under the Message of the Governor. The object of the bill is to correct the 4th section of the act of 1841, chapter 48, or to remedy defective legislation upon the subject matter of that act. If the General Assembly have power to legislate on the proposition submitted to their consideration in said bill, then the power to legislate, at this session, is, in the opinion of your Committee, without limitation or restriction. The Committee therefore recommend the rejection of the bill.

ROBT. C. FOSTER,
Chairman of Com. of Senate.
R. W. H. BOSTICK,
Chairman of Com. of the House.

DOCUMENT NO. 2.

Report of the Joint Select Committeee on Relief, to whom was referred a bill No. , for the relief of many citizens, read and concurred in by the House of Representatives, on the 19th October, 1842.

The Joint Select Committee on Relief, to whom was referred, a bill No. , for the relief of many citizens, have had the same under consideration, and beg leave to report,

That, in the opinion of the Committee, the submission of the subject of relief, to the action of the General Assembly, by the Message of the Governor, does not confer upon them the power to act upon subjects of personal, local, or sectional relief; but gives to them the power only to legislate upon the subject of relief, by the enactment of laws which shall be general and uniform throughout the State. Your Committee, therefore recommend the rejection of said bill.

R. W. H. BOSTICK, Chairman, &c.

DOCUMENT NO. 3.

Report of the Joint Select Committee on Relief, read and concurred in by the House of Representatives, 19th October, 1842.

The Joint Select Committee on Relief, to whom, by order of the House, was referred a resolution directory to said Committee to inquire into the expediency of passing some laws authorising the redemption of personal property, sold under execution, have had the same under consideration, and beg leave to report,

That, after bestowing upon the subject that consideration which its interest to the community demands, the Committee are of opinion that a law subjecting personal property sold under execution to redemption, would not only be inexpedient but productive of the increased sacrifice of such property at sale, without benefit to the debtor. The past legislation of the State upon this subject and the experience of the effect of that legislation, sustains and justifies this opinion of the committee. In the year 1820 the General Assembly by law subjected slaves sold under execution to redemption, the policy and expediency of which law, by the experience under its operation for five years. This experience well satisfied the community that the effect of the law was to diminish the value of the property, and to deprive the unfortunate debtor of the property at an increased sacrifice, without any resulting good or benefit. And this experience convinced the community that the effect of such law was, to some extent, to increase litigation, and to involve the debtor in new liabilities without any good or benefit resulting therefrom. After the sale of the property, the purchaser had the right to the use and possession thereof, and the debtor had the right to redeem in the time limited by law. Now to secure the property within the jurisdiction of the Court to be subject to redemption in the limited time, the debtor not unfrequently filed his bill to restrain the purchaser from removing the property beyond the jurisdiction of the Court in the time limited for redemption. Such, your committee are satisfied, would be the effect and operation of such a law, if now enforced. In 1825 the General Assembly repealed the law of 1820, from which time up to the present your committee are not aware of any desire on the part of the people, or of any effort on the part of the Legislature to re-enact said law. The resolution is indefinite as to the kind of personal property to be redeemed, and therefore must be considered as embracing all kinds of personal property. Without the light of experience or the benefit of the wisdom of others, it must be conceded by all that a law securing the redemption of all kinds of personal property would operate to the injury of the debtor as well as the creditor. A man desirous to purchase live stock could not be induced, at any price, to bid for the same, subject to redemption, because the consumption by and through such property would, in many, if not in all instances, exceed the profit of the labor or the use of possession of such property. At the sale of property under execution, the purchaser is induced to buy either because of the immediate want of the article or from the expectation of realising profit by

the resale thereof. If ch sales are encumbered with the right of redemption, neither of the above inducements can exist to purchase property, because the right of redemption would at any time deprive the purchaser of the use and possession of the property; and because the right of redemption would compel the purchaser, or his v nder to retain the property in the time limited for redemption, subject, during tha period, to death or other casualty at his risk, without a benefit equivalent to that risk. However anxious your committee may be, as they really are, to devise some legal and constitutional means to prevent l s to the unfortunate deb or in the sacrifice of his property, they are constrained to the opinion that a law providing for the redemption of personal property at execution sale, is unwise, impolitic, and injurious.

All of which is respectfully submitted.

ROBT. C. FOSTER, Jr.,
Chairman of Com. of S nate.
R. W. H. BOSTICK,
Chairman of Com. of House of Rep

DOCUMENT NO. 4.

Report of the President of the Bank of Tennessee.

BANK OF TENNESSEE,
October 19, 1842.

HON. F. BUCHANAN,
Speaker of the House of Represeniatives,
Sir:

I have the honor to transmit to you the enclosed statements of the condition of this Bank and Branches at different periods, in obedience to a resolution adopted on the 14th inst. by the honorable body over which you preside.

Statement A exhibits the condition of the principal Bank on the 30th day of June, 1842. Statement B shows the state of the Bank and Branches on the 30th day of June, 18 2. Statement C exhibits the condition of the Principal Bank, and statement D that of the Branches separately, immediately preceding the resumption of specie payments. Statement E the state of the Branches separately, on the 30th of September, two months after resumption. F exhibits the condition of the Principal Bank at the end of the last quarter, with explanations of the different items. These explanations being equally applicable to all the other statements, it was not deemed necessary to repeat them.

Very respectfully,
Your obedient servant,
WILLO. WILLIAMS, *Pres.*

REPORT

OF THE

PRESIDENT OF THE

BANK OF TENNESSEE.

STATEMENT

STATE OF THE BANK OF TENNESSEE AT NASH

Dr.

RESOURCES.

Discounted Notes,	687,296 18	
Domestic Bills,	63,145 4	
Bills and Notes in suit,	87,481 [illegible]	
Protested Bills,	64,257 02	
State Bonds discounted,	120,000 00	
		1,022,279 95
Expense Account since 30th June, 1841,		13,089 43
Interest on State Bonds,	220,750 00	
Internal Imp. Bonds,	136,688 19	
		357,438 19
Superintendent Public Instruction,		36 67
Due from Banks,		348,526 13
Notes of other Tennessee Banks on hand,	187,290 00	
Gold and Silver,	133,486 89	
		320,776 89
		2,062,147 26

A.

VILLE, ON THE 30TH DAY OF JUNE, 1842.

CR.

LIABILITIES.

Capital Stock, viz:		
Proceeds of Sale of State Bonds,	440,000 00	
School Fund,	71,855 87	
Do Ocoee,	262,780 67	
Surplus Revenue,	470,066 55	
		1,244,703 09
Treasurer of Tennessee,	39,627 46	
Discount off State Bonds,	32,182 00	
		71,809 46
Sinking or Contingent Fund,	185,648 79	
Dividend Account,	174,406 75	
Eixchange Account,	23,199 08	
Dscounts Received,	46,048 23	
Interest Account,	14,512 82	
Damages,	4,480, 24	
Internal Improvement Dividend,	2,520 00	
Profit and Loss,	60,265 70	
		511,081 61
Common School Fund,		25,546 60
Due to Banks,	19,687 66	
Circulation,	49,584 00	
Individual Depositors,	139,734 75	
		209,006 41
		2,062,147 26

STATEMENT

STATE OF THE BANK OF TENNESSEE AND

Dr.

RESOURCES.

Discounted Notes,	2,393,698 08	
Domestic Bills,	401,469 52	
Bills and Notes in suit,	494,785 52	
State Bonds discounted,	263,000 00	
		3,552,953 12
Real Estate at Branches,	98,111 42	
Expense Account since 30th June, 1841,	25,062 20	
		123,173 62
Interest on State Bonds,	220,750 00	
" Internal Imp. Bonds,	136,688 19	
		357,438 19
Superintendent Public Instruction,	36 67	
Edward W. Dale and his securities,	36,600 17	
		36,636 84
Due from Banks,		639,107 70
Notes of other Tennessee Banks on hand,	225,663 74	
Gold and Silver,	520,379 89	
		773,043 63
		$5,482,353 10

B.

BRANCHES, ON THE 30TH DAY OF JUNE, 1842.

Cr.

LIABILITIES.

Capital Stock, viz:		
Proceeds of sale of State Bonds,	1,000 000 00	
School Fund,	777,436 65	
Surplus Revenue,	1,353,209 55	
		3,130,646 20
Treasurer of Tennessee,	39,878 51	
Public Officers,	71 00	
Common School Fund,	25,546 69	
Internal Improvement dividend,	2,520 00	
		68,016 20
Sinking or Contingent Fund,	185,648 79	
Dividend Account,	174,406 75	
Exchange Account,	37,375 57	
Discounts Received,	91,301 42	
Interest Account,	23,189 67	
Damages,	6,869 14	
Profit and Loss Account,	172,953 66	
		691,745 00
Discount off State Bonds,		53,442 00
Due to Banks,		231,818 20
Individual Depositors,	289,274 50	
Circulation,	1,017,411 00	
		1,306,685 50
		$5,482,353 10

STATEMENT

STATEMENT OF THE BANK OF TENNESSEE AT

Dr.

RESOURCES.

Discounted Notes,	668,735 84	
Domestic Bills,	72,257 96	
Bills and Notes in suit,	90,802 64	
Protested Bills,	51,690 00	
State Bonds discounted,	120,000 00	
		1,003,486 44
Expense Account since July 1st, 1842,		178 89
Interest on State Bonds,	220,750 00	
" Internal Imp. Bonds,	155,430 95	
		376,180 95
Due from Banks,		317,688 63
Notes of other Tennessee Banks on hand,	275,278 00	
Gold and Silver,	128,310 87	
		403,588 87
		2,101,123 73

C.

NASHVILLE, ON THE 31ST DAY OF JULY, 1842.

Cr.

LIABILITIES.

Capital Stock, viz:		
Proceeds of Sale of State Bonds,	440.000 00	
School Fund,	82,309 26	
Do Ocoee,	262,780 67	
Surplus Revenue,	470,066 55	
		1,255,156 48
Treasurer of Tennessee,	161,336 68	
Discount off State Bonds,	32,182 00	
		193,518 68
Sinking or Contingent Fund,	185,612 12	
Dividend Account,	247,712 56	
Exchange Account,	1,345 68	
Discounts Received,	2,524 96	
Interest Account,	5,747 81	
Damages,	589 82	
Internal Improvement Dividend,	2,520 00	
		446,052 95
Due to Banks,	19,132 89	
Circulation,	46.495 00	
Individual Depositors,	140,767 78	
		206,395 67
		2,101,123 78

LIABILITIES.

CAPITAL STOCK.						
Branch at	State Bonds.	School Fund.	Surplus revenue.	Treasurer of Tennessee.	Discount off State Bonds.	Exchange Acc't
Athens,	80,000	63.755 88	108,387	251 05	16,000	
Rogersville,	80,000	64,420 91	108,387			
Trenton,	80.000	64,420 91	108 387			
Sommerville,	80,000	64,420 91	108 387			[illegible]
Columbia,	80,000	62,603 93	80.085		5,260	[illegible]
Clarksville,	80,000	62,603 93	80,085			[illegible]
Shelbyville,	80,000	62,603 93	80,085			[illegible]
Sparta,		13,348 93	209.340			[illegible]
	560,000	458,179 33	883,143	251 05	21,260	[illegible]

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STATEMENT CONTINUED.

Discounts received.	Interest accoun.	Profit & Loss.	Damages.	Due to Banks.	Individual Deposits.	Cr...
2,042 68	462 95			117.185 74	[illegible]	[illegible]
1,058 31	54 21	2,891 48		1,044 38	[illegible]	[illegible]
365 40		504 12	85 35	25,842 89	[illegible]	[illegible]
208 14	740 52	17,769 99	141 00	1,016 81	[illegible]	[illegible]
1,481 22	749 76	24,223 65	1 39	48 25	[illegible]	[illegible]
6,863 35	361 95	36,057 72		31,779 81	[illegible]	[illegible]
524 94	120 29	294 00		33 464.25	[illegible]	[illegible]
433 98	133 39	22,507 77		2.411 02	[illegible]	[illegible]
12,978 02	2,623 07	104,248 73	228 34	212,787. 15	245,712 33	[illegible]

RECAPITULATION:

Discounted Notes,	1,664,467 84	Capital Stock—State Bonds,	560,000
Domestic Bills,	236,562 05	" " School Fund,	45,179 33
Bills and Notes in suit,	441,734 86	" " Surplus Revenue,	883,143
State Bonds Discounted,	143,000 00	Treasurer of Tennessee,	251 05
Real Estate,	98,309 70	Discount off State Bonds,	21,260
Expense Account since July 1st.,	2,230 37	Exchange Account,	5,036 65
Due from Banks,	252,267 05	Discounts Received,	12,978 02
E. W. Dale and his Securities,	36,600 17	Interest Account,	2,623 07
Other Bank Notes on hand,	77,419 16	Profit and Loss,	104,248 78
Gold and Silver,	392,156 87	Damages,	228 34
		Due to Banks,	212,787 15
		Individual Depositors,	245,712 53
		Circulation,	838,300 20
	3,344,748 07		3,344,748 07

STATEMENT E.

STATEMENT E.

State of the Branches of the Bank of Tennessee, on the 30th of September, 1842.

RESOURCES.

Location of Branches.	Discount. Notes.	Domestic Bills.	Bills and Notes in suit.	State Bonds Discounted.	Real Estate.	Expense Account.
Athens,	356,263 18	14,649 50	47,277 83	83,000	12,856 24	579 31
Rogersville,	205,105 61	8,826 87	50,610 51		16,224 57	598 95
Trenton,	173,923 80	48 676 [illegible]3	89.370. 88	22 000	8 429 07	1 267 43
Somnerville,	128,273 00	17 007 00	124,185 19	17,000	10,701 57	688 91
Columbia,	114,829 08	27,[illegible]89 84	83.264 04	21,000	21 979 11	602 8
Clarksville,	202,049 94	33,487 01	43 500 93		17,738 40	814 04
Shelbyville,	205,598 59	47,616 72	33,466 94		11,709 25	806 31
Sparta,	187,572 76		46,358 97		3 337 60	856 47
	1,573,615 96	197,653 47	517,066 25	143,000	103,035 90	6,213 60

STATEMENT E CONTINUED.

Branch at	Due from Banks.	E. W. Dale & his securi ties.	Other Bank Notes on hand.	Gold & Silver.			
Athens,	2,317 82		5,147	67,785 22			
Rogersville,	31,083 29		3,821	37,939 29			
Trenton,	17,373 08		2,483	22,116 97			
Sommerville,	130,184 60		9,231	47,938 87			
Columbia,		36,600 17	2,733	22,705 93			
Clarksville,	2,850 20		1,977	33,982 70			
Shelbyville,	15,641 95		5,989	92,403 19			
Sparta,	3,491 73		1,257	35,222 89			
	202,945 67	36,600 17	31,449	360,095 09			

LIABILITIES.

Branch at	CAPITAL STOCK. State Bonds.	School Fund.	Surplus revenue.	Treasurer of Tennessee.	Discount off State Bonds.	Exchange Ac't.
Athens,	80,000	61,991 75	108,387	876 78	16,000	469
Rogersville,	80,000	64,420 91	108,387	228 17		
Trenton,	80,000	64,420 91	108 387			
Somnerville,	80,000	64,420 91	108.387			573 07
Columbia,	80,000	62,603 93	80,085		5,260	
Clarksville,	80,000	62,603 93	80,085			4,754 12
Shelbyville,	80,000	62,603 93	80,085			8,51 78
Sparta,		13,348 93	209,340			10 85
	560,000	456,418 20	883,143	1,104 95	21,260	7,058 82

STATEMENT E CONTINUED.

BRANCH AT	Interest Acco't.	Damages.	Discounts Received.	Profit & Loss.	Due to Banks.	Circulation.	Individual Depositors.
Athens,	1,869 02	662 79	4,378 33	2.891 48	86,468 65	198,623	27,266 20
Rogersville,	174 51		2 680 11	504 12	44 38	87,512	9,771 92
Trenton,	608 27	459 94	2,198 98	17,769 99	13,181 69	77,483	21,133 83
Sommerville,	1,187 33	567 60	1,771 13	24,2?3 65	992 81	167,855	24 834 04
Columbia,	1,277 16	178 18	1,917 85	36,057 72	9,622 52	41,400	12,736 92
Clarksville,	492 88		8,175 91	513	29,829 55	54,848	15,147 95
Shelbyville,	459 56	90	2,398 35	22,312 08	23,400 83	131,040	5,290 42
Sparta,	792 39	15	2,759 63		268 67	47,439	4,122 95
	6,861 12	1,973 51	26,272 29	104,272 04	166,809 10	806,200	130,305 08

RECAPITULATION.

Discounted Notes,	1,573,615 96	Capital Stock—State Fonds,	560,000
Domestic Bills,	197,653 47	" " School Fund,	456,415 20
Bills and Notes in suit,	517,066 25	" " Surplus Revenue,	883,143
State Bonds discounted,	143,000	Treasurer of Tennessee,	1,104 95
Real Estate,	102,035 90	Discount off State Bonds,	21,260
Expense Account since July 1st,	6,213 60	Exchange Account,	7 058 82
Due from Banks,	202,945 67	Interest Account,	6,861 12
E. W. Dale and his securities,	36,600 17	Damages,	1,973 51
Other Bank Notes on hand,	31,449	Discounts Received,	26,272 29
Gold and Silver,	360,095 00	Profit and Loss,	10,272 04
		Due to Banks,	166,809 10
		Circulation,	896 20
		Individual Depositors,	140,305 05
	3,171,675 11		3,171,675 11

The Item of "Profit and Loss," in this Statement, shows the amount of the nett profits retained by the Branches after paying the annual Dividend, and is claimed to be held by them, to pay any Losses which they may sustain. In this amount is also embodied the discount taken off the State Bonds purchased by the Branches at Trenton and Somerville.

STATEMENT F.

State of the Bank of Tennessee at Nashville, on the 30th day of September, 1842.

Dr.

RESOURCES.

DISCOUNTED NOTES. Individual notes, generally 4 and 6 months date, discounted and held by the Bank, and now running to maturity,	640,129 66	
DOMESTIC BILLS. Amount of Bills purchased by the Bank, payable principally at New Orleans and falling due from now until 1st May, 1843.	130,472 90	
BILLS AND NOTES IN SUIT. This item shows the amount of Bills and of Notes protested for non-payment, and upon which the Bank has brought suit,	94,806 97	
PROTESTED BILLS. Amount of Bills returned protested for non payment, and not yet settled by the Drawers,	16,372 54	
STATE BONDS DISCOUNTED. This item shows the amount of Internal Improvement Bonds, purchased by the Bank and now on hand. Cost to the Bank $90,258,	124,000	
		1,005,782 07
EXPENSE ACCOUNT shows the expenses of the Bank since July 1st, 1842,		2,591 68
INTEREST ON STATE BONDS. Amount of interest paid on 6 per cent. Bank Bonds since the date of issue,	220,750	
INTEREST ON INTERNAL IMPROVEMENT BONDS. Interest paid on 5 and 5¼ per cent. bonds, since the Bank went into operation,	156,737 89	
		377,487 89
BRANCH BALANCES. This item shows the indebtedness of the Branches to this Bank, caused by the redemption of their circulation at this Bank, which is then sealed up, charged on our books, and returned to them,	240,182 38	

STATEMENT F CONTINUED.

DUE FROM NORTHERN BANKS, Amount remitted from New York to Philadelphia to pay interest on Bonds due 1st November,	64,873 07	
DUE FROM SOUTHERN BANKS. Amount of collections made by Southern Banks for this Bank. This is remitted to the North, when required, to pay the interest on Bonds.	22,194 78	
		327,55) 23
NOTES OF BRANCHES AND OTHER TENNESSEE BANKS ON HAND. This item is composed of the notes of Branches of this Bank on hand, and not sealed up, and the notes of the Union, Planters', and Memphis Banks, and Yeatman, Woods, & Co.	133,567	
GOLD AND SILVER ON HAND,	118,672 81	
		252,289 81
		1,965,651 68

The amount of Bills and of notes under discount, and the Protested Bills held by the Bank, are believed by the Directory to be good; and the amount of Bills and Notes in suit is believed to be generally good.

STATEMENT F CONTINUED.

LIABILITIES.		Cr.
CAPITAL STOCK, viz:		
STATE BONDS. Our proportion of the proceeds of sale of $1,000,000 State Bonds,	440,000	
SCHOOL FUND. Amount received from Superintendent of Public Instruction.	82,309 26	
Do Do OCOEE. Amount received from Sales of Ocoee Lands.	262,780 67	
SURPLUS REVENUE. Our proportion of am't distributed by the G'v't to the States,	470,066 55	
		1,255,156 48
TREASURER OF TENNESSEE. This item shows the balance due to the Treasurer,	92,787 88	
COMMON SCHOOL FUND—Amount deposited by the Superintendent. The amount of this account is, from time to time, added to the capital stock of bank and branches,	102 08	
		92,889 96
SINKING OR CONTINGENT FUND. This account is made up of the interest on surplus revenue, paid by Union, Planters' and Memphis banks,—Dividends on Stock held by the State in those Banks, and Deposits of the Interest on Common School Fund claims,	185,588 27	
DIVIDEND ACCOUNT shows the balance of profits of the Bank and Branches after paying the yearly dividends, or appropriations to Common Schools, &c.,	247,712 56	
EXCHANGE ACCOUNT shows the amount received by the sale of Checks, and for exchange in bills purchased since July 1st, 1842,	3,492 85	

STATEMENT F CONTINUED.

DISCOUNTS RECEIVED, amount of interest off individual notes discounted since July 1,	9,217 95	
INTEREST ACCOUNT shows the amount of interest accrued on Bills and Notes from the time of protest until they are paid, and also the interest in ac't current with the branches.	7,130 25	
DAMAGES. 3 per cent damages received on Bills, returned protested since 1st July,	1,521 77	
INTERNAL IMPROVEMENT DIVIDEND. Dividends received from Charlotte T. Co..	2,530	
		457,193 65
DISCOUNT OFF STATE BONDS. Discount on the purchase of $124,000 State Bonds—thus they only cost $90,258,		33,742
DUE TO BANKS. This item shows the balance due to other Banks for collections made by this Bank on their account,		780 79
CIRCULATION. This shows the amount of notes payable at this Bank now in circulation	27,375	
INDIVIDUAL DEPOSITORS shows the amount which the Bank owes to Depositors — It is payable partly in specie, and partly in Tennessee currency,	93,053 80	
		125,888 80
		1,965,651 68